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ACTS

OF THE

SECOND BIENNIAL SESSION

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OF THE

GENERAL ASSEMBLY OF ALABAMA,

HELD IN THE

CITY OF MONTGOMERY,

COMMENCING ON THE

SECOND MONDAY IN NOVEMBER, 1849.

Copy!

MONTGOMERY:

BRITTAN & DE WOLF, STATE PRINTERS.

1850.

D.



LAWS OF ALABAMA.

[No. 1.]

AN ACT

1849-50

Designating the subjects and sources, and prescribing the rates and mode of taxation.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened;* That taxes in this State shall hereafter be assessed and collected on and from the following subjects and sources, to-wit:

On all real estate, for each hundred dollars of the value thereof..... \$0 20 Rates of taxation.
Real estate and improvements.

And at that rate, considering its location, whether in towns, cities, or country, its quality of soil, its improvements, (excepting such as are herein specifically and separately taxed) its proximity to local advantages, and estimating it at its real value in money, and not at forced sale, according to the best judgment the assessor can form by information, inspection, or otherwise.

On each hundred dollars in value as aforesaid, (having reference, in ascertaining the same, to the annual income as well as location) of all saw, grist, oil and other mills, distilleries and breweries, foundries, forges, and quarries, manufactured marble, gin and carriage-making shops, printing presses and implements, wharves, cotton presses for repressing cotton, and of all other manufacturing establishments;..... \$0 20 Mills, foundries, printing presses &c.

And on toll-bridges, turnpikes, canals and ferries, 25 Roads and bridges.

On every slave under five years of age..... 25

On every slave between five and ten years of age... 45

On every slave between ten and fifteen years of age: 80 Slaves.

On every slave between fifteen and thirty years of age..... \$1 10

On every slave between thirty and forty years of age..... 30

	On every slave between forty and fifty years of age, \$0	50
	On every slave between fifty and sixty years of age,	20
	And slaves whose value is greater, on account of trades or other extra qualities, or such as, from unsoundness or other disability, are of less value, shall be valued and assessed as other property, by examination, or the best information the assessor can obtain, (and he shall, in all cases, when not otherwise directed, require the oath of the party) on each hundred dollars thereof, and at that rate,	20
Moneys and stocks.	On each hundred dollars, and at that rate, of money loaned, as agent or otherwise, at or under the legal rate of interest.....	25
	On each hundred dollars of money hoarded or laid up and not invested or employed in any regular business, ...	25
	On each hundred dollars of money loaned in any way, or put out, or used for the purpose of buying or trading in paper so as to make a profit greater than the legal rate of interest, (and this act shall not affect any law against usury,).....	50
	On money employed in a regular exchange business as agent or otherwise, on each hundred dollars of the capital employed,.....	25
	That for all purposes of taxation, the bills, notes, checks, certificates of deposit, or other issues, or credits of any bank, chartered or unchartered, in or out of this State, or of any other corporation, partnership or individual, used or employed in purchasing or discounting any note, bill, bond, or other paper, negotiable or not negotiable, shall be deemed and held as money or capital, and shall be assessed and pay a tax as though such operations or transactions were predicated on gold and silver.	
	For each hundred dollars worth of jewelry, plate, household furniture and ornaments, over the value of two hundred dollars, and at that rate, excluding family portraits and pictures.....	25
	On every hundred dollars, and at that rate, of the capital stock actually paid in of every incorporation, not exempt by law.....	25
	Provided, That such corporation shall be exempt from this tax if it pays a tax on its property in value equal to the amount of its capital, and pro rata to the extent of its taxed property.	
Lates of auc- tioneer merch- ants.	On every hundred dollars, and at that rate, of the gross amount of proceeds of sales at auction of.	

real estate and slaves, and also of second hand furniture and utensils not otherwise regularly assessed and taxed. \$1 00

And on all other sales at auction, by sample or otherwise, excepting sales by order of court, or by executors, administrators or guardians, or under legal process, and under wills, deeds and mortgages with power of sale, and cargo sales of articles imported from foreign countries. 1 00

And of all private sales by auctioneers. 20

And all auctioneers are required to keep correct accounts of their sales, with a view to the payment of taxes; and on failure to do so, or to exhibit the same to the assessor, or make returns of the amounts, or to make payment as required by law, shall, besides the penalties now prescribed by law, be also liable to indictment as prescribed in the fifth section of this act.

For each hundred dollars, and at that rate, of the gross amount of commissions received or charged by any factor, commission merchant, or auctioneer, and on sums received by such persons for services in buying and selling, or any other services done or performed in the course of their trade or business.	Factors.	50
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On each hundred dollars, and at that rate, of cotton pickeries, or gross profits thereof.		1 00
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On each hundred dollars, and at that rate, of the gross amount of sales of all merchandise, fruits, confectioneries, excepting all articles specifically taxed.		20
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On each hundred dollars, and at that rate, of all salaries fixed by law, and on each hundred dollars, and at that rate, of gross income over five hundred dollars of all other public officers, private clerks and book-keepers, resident in this State, and all presidents, clerks, book-keepers, and other officers of incorporated companies in this State, and all agents, clerks and book-keepers in this State of foreign corporations, companies, or individuals.		50
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On each hundred dollars, and at that rate, of the gross amount of income paid to or received by, or contracted to be paid to, or received by insurance companies not chartered by this State, doing business in this State by agent or otherwise.	Incomes.	1 00
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On every hundred dollars, and at that rate, of the value of all libraries over the value of one hun-		
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	dred dollars.....	20
	On every hundred dollars, and at that rate, of the gross amount of income on and for the storage of cotton or other merchandize.....	\$1 00
Cigars.	On every hundred dollars, and at that rate, of cigars, valued at the invoice price.....	1 00
Vehicles.	On every hundred dollars, and at that rate, of vehicles of any and of every kind, except such as are used principally for plantation purposes.....	25
Horses.	On every hundred dollars, and at that rate, of all horses or mules, kept principally for the saddle or harness.....	50
Race horses.	On every hundred dollars, and at that rate, of all race horses or nags of any kind, which may be or may have been, during the tax year, entered, trained or run.....	2 00
Stud horses and jacks.	On every hundred dollars worth, and at that rate, of stud horses and jacks.....	50
Steamboats.	On every hundred dollars worth, and at that rate, of every steamboat, or other water craft, used in the navigation of the waters of this State.....	20
Raffles.	On every hundred dollars of the gross value of every article or piece of property, or sum of money, put up and disposed of at or by a raffle, and at that rate, five per cent.....	5 00
	And the owner of the house in which it occurs shall give in and pay for the same.	
Playing cards.	On every deck of playing cards kept, sold by wholesale or retail, or given away.....	\$0 50
Specific taxes.	A specific tax shall be paid by travelling or way-side musicians.....	1 00
For slave fund.	To raise a sufficient amount which shall be returned to the State Treasury, and kept as a separate fund to pay for slaves executed for capital crimes, there shall be assessed and paid on all slaves under ten years of age.....	01
	On all over ten and under fifty years of age.....	02
Neat cattle.	There shall be assessed and paid on each head of neat cattle over twenty head.....	01
Watches.	On every gold watch, worn by male or female.....	50
	On every gold safety, vest, or fob chain, worn by male or female.....	25
	On every silver watch kept for use.....	25
Clocks.	On every clock for use.....	25
Free negroes.	On every male free negro or mulatto between the ages of twenty-one and fifty years.....	2 00

On every female free negro or mulatto between the ages of twenty-one and forty-five years. \$1 00
(Except the descendants of the original French or Spanish settlers in this State, commonly called creoles,) and on failure to pay the same, may be taken and hired out by the collecting officer for the purpose.

A poll tax shall be assessed on and paid by every white male citizen, alien or denizen, or any creole, between the ages of twenty-one and forty-five years, of. 50

Poll tax.

There shall be paid for concerts, or entertainments of vocal or instrumental music, for individual profit, for each night or day 5 00

Concerts, &c.

For lectures to which entrance fees are charged, (which may be paid to the county clerk). 2 00

Lectures, &c.

Lawyers, surgeons, physicians and dentists, who have been three years at the practice, shall pay a tax on their license of. 10 00

Professions.

Or at their option, on each hundred dollars of the gross amount of their annual income. 50

On every hundred dollars of the value or amount of any legacy or bequest, by any last will, testament, or codicil, that may be made to any person or corporation, other than to the child, or adopted child, grand-child, brother, sister, wife or husband, father or mother, there shall be paid by the beneficiary or agent, or legal representative, of the said bequest or legacy, to the clerk of the county court, 2 00

Legacies.

On every hundred dollars of the value or amount of property received by deed of gift to any person or corporation, other than to a child, adopted child, grand-child, brother, sister, mother or father, there shall be paid by the beneficiary, his agent, guardian, or legal representative, to be assessed and paid as other taxes. 2 00

The clerks of the circuit and county courts shall collect and pay to the county clerk, for the State, on each certificate, with the seal of their office, except to papers of government pensioners. 50

Clerk's seal.

On every license (except marriage license,) issued by the clerk of the county court, he shall collect for the State. 50

Marriage license.

Notaries public shall collect and pay over to the county clerk of their respective counties, on each notarial seal 50

Notarial seal.

The Secretary of State shall collect and pay into the

State seals.

	State Treasury, for each annexation of the State seal, whenever he would be entitled to charge for himself a fee therefor.....	\$1. 00
Commissioners.	Every commissioner of deeds for other States shall collect and pay to the county clerks, as aforesaid, for each certificate by him.....	1 00
Licenses to	Licenses may be granted and issued under the regulations required by law, by the clerks of the several county courts, for the doing or carrying on the following acts or employments, on the payment to them, in each instance, of the following amounts and the county tax thereon, whatever it may be, and their fees, to wit :	
Retail.	To retail spirituous liquors on a steamboat or other water craft.....	\$60 00
	At one place in any city.....	75 00
	In towns or villages having five hundred or more inhabitants.....	37 50
	In towns or villages having less than five hundred.	25 00
	In the country.....	15 00
Dentistry, &c.	For carrying on the business of dentistry, by transient dentists, and for carrying on the business of daguerrean artists, for one year, anywhere in this State.....	50 00
Sale of negroes.	For the sale or exhibition for sale, by any negro trader, broker or agent of slaves in any part of the State, which license may be obtained from the clerk of any county, on and for each slave sold or to be exhibited.....	10 00
	And that the purchase money of any slave sold by trader, without license as aforesaid, may be recovered back, provided suit be commenced within one year; and no bond, bill or note given for any slave, to any trader, without having license as aforesaid, shall be recoverable.	
Billiard tables, &c.	To keep a billiard or pool table.....	50 00
	To keep a bagatelle table.....	10 00
	To keep a ten-pin alley, or alley with any number of pins, or alley of a like kind.....	25 00
	For any other table, stand or place, for any other game or play, with or without a name, unless for exercise or amusement merely, and not already prohibited by law.....	10 00
Race tracks.	For every public race track, on every hundred dollars of the probable gross annual income, as nearly as can be ascertained, and at that rate, five dollars; but in no case for less than.....	25 00

For theatres in cities, each	100 00	Theatres, and for keeping en- tertainment.
For theatres in a town, village, or watering place..	30 00	
For keeping a hotel, tavern, or house of entertain- ment, for transient persons, at any city, town or village, or watering place, or within one mile of either of said places, on each hundred dollars of the value of the annual rent, or use in money, as nearly as can be ascertained, and at that rate, two dollars; but in no case for less than	5 00	
For keeping a restaurat or eating house	20 00	Restaurat, &c.
For exhibiting, for profit, any museum, wax works, menageries, curiosities of any kind, (painting and statuary excepted) each	15 00	
For the exhibition of dwarfs, or persons or animals, deformed, in any part of the State	25 00	
For the exhibition of a circus, feats of activity, slight of hand, for each day or night	25 00	Circus.
For hawking or peddling on each steam boat, flat boat, or water craft	100 00	Peddling.
For hawking or peddling, on each waggon, in each county	75 00	
For hawking or peddling, on each horse in each county	40 00	
For hawking or peddling on foot, for each, in each county	20 00	
But nothing shall be charged for peddling articles manu- factured or made up in this State, (nor to societies, or per- sons employed thereby, in the distribution of useful books or tracts or the diffusion of literary or religious knowledge.)		Exemptions.
All licenses, except otherwise expressed, are for one year, and confined to the county in which granted; and in the case of retailing, or games, to one place, and to the name to which granted. A county tax, for county purposes, may be levied by the proper court of each county, on, or in ad- dition to the State tax, on both the assessment and licenses, one or both, as the commissioners' court may direct, and to be collected at the same time, and in the same way, not to exceed one hundred per cent.		Extent of licen- ses.

SEC. 2. *Be it further enacted*, That the following persons, property and privileges, are hereby declared ex-
empt from taxation, to-wit: All exclusively county or State property; all property of the United States; all lands sold by the United States, previous to the 26th day of January, 1847, and which have not been sold thereby more than five years previous to the time of the assessment to be made; lands and other property of literary, scientific, and benev-

Exemption fr'm
taxation.

olent institutions, in the State, actually used for the purpose for which they were created; *Provided*, any portion of their funds or property vested in stocks or pursuits, other than their regular business, shall not be exempt. Houses of religious worship and appurtenances, places and monuments of the dead, and implements of burial; all farming or horticultural utensils; the property of revolutionary soldiers, or their widows, to the value of one thousand dollars; the amount of property of soldiers who served the country in the war of 1812 and 1814, which is exempt by law from execution.

SEC. 3. *Be it further enacted*, That all tax payers, (on being notified, by advertisement set up by the assessing officer, at five or more conspicuous places, in their respective beats,) fifteen days previously, stating the time and place in the beat, or by such notice as may be prescribed by law, shall go forward and render, in such manner as is, or may be prescribed by law, to the assessing officer, a full and complete list and description of all and every kind of their property or subjects of taxation, on oath, (which the assessor may administer,) to the best of their knowledge and belief, and aid the assessor, as far as practicable, in a fair and correct assessment; but if the owner or person having charge of the property subject, resides out of the county, or is unable to attend, on account of any infirmity or disability, or is a female, such person may make out a list on oath, before any judge or justice, which being certified by him, may be received and treated, by the assessing officer, as if made before himself. Property shall be assessed in the county where it is at the time, or was, on the 1st day of March preceding the assessment; and in the case of land, where a tract lies partly in one county and partly in another, that county in which the greater part lies; but all property liable to be taxed in some county, and the assessor, as well as collector, and other officers, shall take care to make diligent inquiry, and embrace all property which has escaped taxation since the year 1843, as well as all that is liable at the time, so as to render the burthens equal and uniform as possible, on all tax-payers alike, and in all cases when the taxable property or business embraced in this act is managed or conducted by an agent, the agent, as well as the principal, shall be held liable until the proper amount is paid.

SEC. 4. *Be it further enacted*, That whenever the assessment is made on any property, it shall create and continue as a lien on the same until the tax shall be paid, and

Duty of tax pay-
ers.

Where property
shall be assessed.

Effect of assess-
ment on proper-
ty.

said tax must, in all cases, be paid before the 1st day of November in every year. Taxes may be paid in gold or silver, warrants of the State treasury, bills or notes of specie paying banks in this State, or of the State bank and branches, or treasury notes of the United States. And the assessor having, as far as practicable, ascertained and faithfully assessed all property and subjects equally, according to value, and specifically, as herein stated, and returned his lists, full power is hereby given to the tax collector, (after he shall have given fifteen days previous notice, of the time and place at which he will receive taxes, by advertisement in five or more public places in each beat, or such other notice as is or may be required by law,) to distrain and sell property sufficient to pay any taxes due and unpaid, after the notice, as required in the case of sheriffs' or constables' sales, or to take such other steps as are, or may be required by law. But both the assessor and collector shall each, after they respectively have given the notice of their attendance, as is, or may be required by law, visit the premises or residences of the tax-payers who may fail and refuse, without just cause, to attend and give in ; and shall each be entitled to receive therefor the sum of twenty cents in each instance, which not being paid, may be recovered before any justice of the peace of the county.

What kinds of money taxes are to be paid in.

SEC. 5. *Be it further enacted*, That if any person fail to procure license, and engage in the business prohibited without such license, such person may be, by warrant, arrested and brought before a justice of the peace, or other proper officer, and bound over regularly to the circuit or criminal court to answer ; and on indictment, being found guilty, shall be fined in any sum the jury may assess. And if any person liable to pay taxes shall wilfully and knowingly withhold, remove or conceal any property or effects assessed or liable to be assessed, or do any other act to evade the honest payment of taxes, he shall be deemed guilty of a misdemeanor ; and on trial and conviction, be fined in any sum the jury trying the offence may assess, not less than ten and not exceeding one thousand dollars.

Penalty for failing to procure license.

SEC. 6. *Be it further enacted*, That it shall be the duty of the clerk of the county court and all other officers who may collect or be charged with the collection of the revenue under this act, not only faithfully to see that taxes are assessed and paid, and licenses obtained according to law, but to keep accurate accounts of all the money they receive, or that comes into their hands, and faithfully to pay the same over to the State or county treasuries respectively,

Duty of clerks and other officers.

Penalty for failure.

as they are or may be required by law ; and if any assessor or collector, clerk or other officer, concerned in the assessment or collection of the revenue, or any part thereof, shall knowingly convert any portion thereof to his own or any other improper use, or be guilty of any other fraudulent or wilful violation of his duties, (besides the liability on his bond) he shall be deemed guilty of a felony, and on indictment and conviction, be fined any sum the jury trying the offence may assess and be sentenced to imprisonment in the penitentiary for a period not less than two and not exceeding ten years, one or both, at the discretion of the jury trying the offence.

Repeal.

Proviso.

SEC. 7. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act be, and the same are hereby repealed. *Provided*, No obligations to pay, assess, or collect taxes or claim, suit or prosecution, originating and unclosed under existing laws, shall be released or affected thereby.

Approved 9th February, 1850.

[No. 2.]

AN ACT

Prescribing the mode of electing, and defining the duties of Tax Assessors and Collectors.

Assessor to be appointed.

Offices of assessor and collector separate.

Bond of assessor.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the judge of the county court, and commissioners of roads and revenue, of the several counties, (and in the county of Mobile the commissioners of roads and revenue,) shall, on the first Monday in April next, and on the first Monday in January annually thereafter, appoint one assessor for their respective counties ; and when a vacancy may occur, (which they are authorised to declare,) fill the same : *Provided*, Nothing herein contained shall authorise the same person to hold both the offices of assessor and collector, except in the counties of Baldwin, Covington, and Washington ; in which counties the same individual may hold both the offices of collector and assessor ; and it shall be lawful for the sheriff in said counties to hold either or both of said offices.

SEC. 2. *Be it further enacted*, That said assessor shall, before entering upon his duties, execute a bond to be approved by said commissioners, or judge and commissioners court, in the sum of one thousand dollars, payable to the governor of the State, and his successors, conditioned

faithfully to discharge the duties of his office ; which bond shall be in duplicate, and one part be filed by the clerk of the county court, the other forwarded to and filed by the comptroller of public accounts. He shall also take and subscribe an oath, before some competent officer, (which shall be filed, with his bond, in the clerk's office,) faithfully, without favor, affection, or partiality, to discharge all his duties as tax assessor.

SEC. 3. *Be it further enacted*, That, by the first day of May next, and by the first day of January in each and every year thereafter, the comptroller shall furnish the county assessors in the several counties of this State, for their guide and government in assessing the taxable property in their respective counties, a suitable formula for registering the various descriptions of property, which formula shall, as far as practicable, exhibit, at one view, the various species of property taxed, the amount of tax to be paid on each, together with the name of the party to whom assessed.

Comptroller
shall furnish
formula.

SEC. 4. *Be it further enacted*, That the assessor for each county shall give at least fifteen days notice, posted up at five or more public places, in the several captain's beats in his county, notifying the inhabitants of each beat at what time and place therein he will attend to receive lists of all polls and estate.

Assessor shall
give notice.

SEC. 5. *Be it further enacted*, That the assessment of real estate, as made and corrected in the year 1849, shall be and remain for the years 1850 and 1851, subject to such additions, changes and revision, as may be made in the years 1850 and 1851. And in the year 1852, and every second year thereafter, there shall be made a new assessment. And the assessor shall annually assess and value all real estate that may have been omitted, or have become taxable since the last assessment, and such as may have materially increased or decreased in value ; and where the ownership is changed, he is required so to change the name as to show the real owner.

Assessments of
real estate.

SEC. 6. *Be it further enacted*, That the assessment of real and personal property shall be entered in separate books, substantially bound and suitably ruled. The book for personal estate shall show in distinct columns each species of property or thing assessed, other than real estate, the valuation of the same, and the names of the parties to whom assessed, in alphabetical order. The book for real estate shall show, in separate and properly arranged columns, first, the name of the party to whom assessed ; second, a description of the estate ; third, the contents ; fourth, the

Assets. How
enter'd in books

Duties of com.
court.

valuation; and fifth, the amount of the taxes assessed. The description of the real estate shall be, as far as practicable, by range, township, and section, and sectional subdivisions, and shall begin with the lowest number of range, township, and section, and proceed in regular numerical order. But when this cannot be done, the assessor shall adopt such descriptions as will most conveniently identify the estate assessed. Where there are several tracts or parcels of land belonging to the same individual, lying contiguous to each other, and forming one entire tract, the whole may be included in one aggregate valuation, and so extended. And the county assessors shall, annually, make new books of assessment, shewing the valuation and assessment of real and personal property, as prescribed by this act; and they shall, annually, on or before the first day of August, make return of their assessment books to the clerks of the county courts of their respective counties; and on the second Monday in August thereafter there shall be holden a special term of the commissioners' court, in the several counties of this State, for the purpose of examining and correcting said books; and it is hereby made the special duty of the said courts and the assessors carefully and thoroughly to examine and compare the said books with the assessment lists of property returned by them, and with the maps heretofore furnished by the governor and comptroller; and to correct all errors and equalize any material discrepancies in the valuation of property, as between individuals, so as to correct any inequality or injustice that may have occurred in the valuation of the assessor. And all the changes and corrections shall be, by said assessors, plainly entered on the assessment books returned by the assessors; which book so corrected shall be the original books of assessment, and remain on file in the office of the clerk of the county court of each county, subject at all times to the inspection of all State officers and tax-payers of each county, free of costs or charge; which said books, so corrected, said assessors shall correctly copy, and deliver the copies to the clerks of the county courts of their respective counties, who shall carefully compare them with the originals, and they shall be, by said clerks, forwarded to the comptroller of public accounts, with their certificates respectively that the same are true and correct copies of the original assessment books on file in their offices respectively. And the said assessors shall further make out, from the said original assessment books, a true and perfect statement of the amount of tax against each tax payer,

giving the name of each person in the county against whom the same has been assessed, and the aggregate amount thereof; and this statement shall be, by the said clerk, carefully compared with the said original, and by him delivered to the tax collector of his county, with his proper certificate, that the same is a true and complete statement, and so far a copy from the said original, and of the names of the persons against whom taxes have been assessed in said county, with the aggregate amount assessed against each.

SEC. 7. *Be it further enacted*, That the governor and comptroller shall make suitable arrangements to correct the maps heretofore furnished the several counties of the State; and that any agent who may be appointed to make such corrections shall enter into bond, in double the amount stipulated to be paid to him, for the faithful performance of his duty..

Agent shall
correct maps.

SEC. 8. *Be it further enacted*, That if any county assessor shall refuse or neglect, without reasonable cause therefor, to make return of his assessment book, within the time prescribed by law, he and his securities, or any of them, shall forfeit and pay for every ten days that he shall delay his return a fine of not less than fifty, nor more than five hundred dollars; which fine may be recovered on motion of the attorney general, or solicitor, in the circuit court of the county, on proof of three days' notice of such intended motion. And the county assessors in the several counties of this State shall not collect any portions of the amount of their assessments, except from persons about to remove; from such persons they may collect and pay over to the collector; shall sum up on each page of the original assessment books, and the copies thereof provided for in the preceding section, the sum or amount of each article of taxable property, and the amount of tax assessed on each, and the sum total thereof in the county; and if any county assessor shall fail to make the additions above required, the comptroller of public accounts is hereby authorised and required to retain the sum of fifty dollars out of any money that may be due to such assessor for the assessment of taxes.

Penalty on as-
sessor for failing
to return books.

SEC. 9. *Be it further enacted*, That, on the first Monday of August next, there shall be elected by the qualified electors of each county a tax collector for one year, commencing from the first day of May after his election; and at the time of holding the general election in the year 1851, and at each biennial election thereafter, there shall be elected, as aforesaid, a tax collector, who shall continue in

Of collectors of
taxes and their
duty.

office for the term of two years, commencing from the first day of May next after his election ; and whenever a vacancy may exist, whether from a failure to elect as aforesaid, or from any other cause, the commissioners' court of the county in which such vacancy may occur shall appoint a tax collector for the unexpired term, as soon thereafter as may be practicable ; and the said tax collector shall, before he enters upon the discharge of the duties of his office, take and subscribe, before some person qualified to administer the same, the following oath, to wit : " I, ———, do solemnly swear, (or affirm as the case may be,) that I will faithfully, and to the best of my skill and ability, perform the duties of tax collector for the county of ——— ;" which oath shall be certified by the officer before whom taken and returned to, and be filed by the clerk of the county court.

Oath.

Those last elected shall serve.

Shall give bond.

New bond may be required.

Effect of bond.

Duty in collecting taxes.

SEC. 10. *Be it further enacted*, That the tax collectors last elected to office under the existing laws shall, for the term for which they were elected, perform all the duties, and be subject to all the liabilities imposed by this act, and shall be required to give bond in conformity to the provisions of the same. And every tax collector, before entering on the duties of his office, shall enter into bond, with good and sufficient securities, to be approved by the judge of the county court, in double the probable amount of the taxes of his county, payable to the governor of the State, and his successors in office, conditioned for the faithful performance of his duty ; which bond shall be executed in duplicate, and one part be returned to and recorded and filed by the clerk of the county court, and the other he shall forward to the comptroller of public accounts, to be by him filed and kept. And the commissioners of roads and revenue, or the judge and commissioners shall, whenever they deem it necessary, require an additional bond of any assessor or collector of their county ; and the bond of every tax collector shall, in law, be a lien in favor of the State, from its date, on all the property, real and personal, of said collector for the amount of the taxes collected by him ; which lien shall continue in force until the taxes shall be paid into the treasury of the State ; and said bond shall likewise be a lien on the property, real and personal, of the sureties of said collector, from the date of his default. And no tax collector shall be authorised to collect any tax until furnished with the certified statement, or copy provided for in this act, except as hereinafter provided.

SEC. 11. *Be it further enacted*, That it shall be the duty of the collector in each county, from and after the first day

in August, annually, to collect and receive from every person chargeable therewith the taxes imposed by law in his county; and in case payment be not made on or before the first Monday of December, annually, the collector shall have power to distrain the slaves, goods and chattels, which shall be found on the lands or in possession of the person so indebted, notwithstanding such slaves, goods or chattels may be comprised in any deed of mortgage, or may be under any other lien; and if the owner thereof shall not pay the taxes due within ten days after such distress, he shall sell the same, or so much thereof as may be sufficient to discharge all the taxes due, and the costs and charges for distress and sale; but there shall be no distraining of the slaves, goods or chattels of any person for taxes until payment thereof shall have been demanded from such person, if he or she can be found in the county, which demand shall be made to either the party personally, or in writing, by being left at his or her usual place of abode. Each collector, clerk, and other officer, who may have funds not directed otherwise to be paid over, shall account for and pay into the treasury of the State, on or before the first Monday of January, annually, the full amount of the taxes by him collected, as well as other money by him received under this act, deducting therefrom all allowances made by law, and his commissions and fees, as fixed by law; and upon default in not paying, as herein required, he shall be proceeded against as is provided for by law, and the court, upon motion so made and sustained, shall adjudge damages at the rate of ten per centum, and interest at eight per centum per annum, on the whole amount of taxes found to be due, together with costs of the motion and expenses of the notice.

SEC. 12. *Be it further enacted*, That it shall be the duty of each and every tax collector diligently to enquire for any and all property, of every species, subject to taxation by the revenue laws of this State, which, from any cause, may not have been assessed, either for the current year, or for any year since 1843, and particularly to enquire of any person or persons who may have recently moved into their respective counties, from any other county or counties in this State, and who may not have paid taxes on their property, and to assess the same in the same manner, and under the same restrictions that assessors, appointed by the provisions of this act, are required to do; and after such assessment is thus made and entered into the said books above provided, to collect the taxes thereon, as if the same had been

Duty in looking
after property
subject to tax-
ation.

assessed by the assessor; and the said tax collector shall return the assessment thus made, under oath, to the several assessors of the counties in which said property is assessed, who shall add up the respective amounts, and make and send copies to the comptroller, in the manner and under the same penalties imposed in reference to original assessments by assessors; *Provided*, That the commissioners' court shall have power to correct any illegal assessment so made, and to remit any illegal tax paid in consequence of such illegal or improper assessment.

Proviso.

Tax collector of
Mobile county.

SEC. 13. *Be it further enacted*, That the tax collector of Mobile county shall, after the period for commencing his annual collections, deposit, at the end of every thirty days, in the bank of Mobile, to the credit of the treasurer of the State, the amount by him collected up to the date of every deposit; and he shall take triplicate certificates of deposit therefor; one of which he shall forward, within five days, to the comptroller of public accounts, one to the treasurer of the State, and the other he shall retain as his own private voucher.

Of sales by col-
lectors.

SEC. 14. *Be it further enacted*, That all sales of real estate, or slaves, by tax collectors, for the non-payment of taxes, shall be held at the court house, or such other places as are, or may be, by law, authorised for sheriff's sales of like property, in their respective counties; and all other property may be sold at any public place within the captain's beat. And the lien of the State for all taxes, for State and county purposes, shall attach on all real estate on the first day of March, annually; and such lien shall be perpetual for the amount of all taxes which have heretofore accrued, or which may hereafter accrue, under the provisions of this act, with the interest, penalties and costs in each case, until such taxes, interest, penalties and costs shall be fully paid; and the said lien shall, in nowise, be affected or destroyed by any sale, transfer, or alienation of any such real estate thereafter made. And when any sale, such as is provided for by law, shall have been made, it shall be the duty of the tax collector to make a deed to the purchaser, reciting the description of the property sold; the amount of taxes and costs due on the same, and for what year; and that the same has been advertised agreeably to law, and, also, the amount for which said real estate had been sold; and said deed, with the foregoing recitals, shall convey to the purchaser all the right, title and interest, legal and equitable, of the owner in and to said property. *Provided, however*, That all lands which have been assessed to the same indi-

Proviso.

vidual, and sold to the same purchaser, shall be included in one deed, for which the tax collector shall receive one dollar, and no more. *And provided further*, That if any real estate shall sell for more than is due upon it, the surplus shall be paid over to the treasurer of the county, for the use of the owner.

SEC. 15. *Be it further enacted*, That collectors, in their advertisements of real estate, shall be as concise as may be consistent with an intelligible description of the estate advertised; they shall carefully avoid all expense by an unnecessary multiplication of advertisements; nor shall the cost of advertising exceed one dollar, to be paid by the collector, for any quantity of land in the same section, assessed to the same person; nor shall the collector sell more than may be necessary to pay the taxes due from the delinquent owner. *Provided*, Nothing herein contained shall authorise the sale of real estate for the payment of any tax, while there is any personal estate to pay the same. *And provided further*, That no charge against the State shall be made for the advertisements of land improperly advertised.

Of sales of real estate.
Proviso:
Proviso

SEC. 16. *Be it further enacted*, That in case of the decease of any tax collector, after he shall have commenced his collection, and before completing the same; and paying over and settling his accounts therefor, the administrator or executor of such deceased collector shall, within two months after his acceptance of the trust, and giving bond according to law, settle all accounts of said deceased collector with the comptroller of public accounts, and pay into the treasury all moneys by him received as tax collector, and not paid over in his life-time.

In case collector dies.

SEC. 17. *Be it further enacted*, That it shall not be lawful for any tax collector, at any sale for taxes due made by himself, under distress or otherwise, to be; either directly or indirectly, a bidder or purchaser; and should he be, he shall be deemed guilty of a misdemeanor, and on indictment and conviction be fined any sum the jury trying the offence may assess.

Collector shall not bid at sale for taxes.

SEC. 18. *Be it further enacted*, That when any real estate shall be assessed for taxation, and the taxes for the same shall not be paid, it shall be the duty of the tax collector to advertise the same once a week, for three months, in some newspaper of the most extensive circulation, published in the county where the real estate is situated; and if there be no newspaper published in the county, then in a newspaper published in one of the adjoining counties having

How real estate shall be sold.

the largest circulation nearest the place where the land lies, and, also, by notice at the court house door of the county ; which advertisement and notice shall contain a description of the property as assessed, the name of the person or unknown owner to whom assessed, and the amount of taxes due, and all expenses, including the cost of advertising. If the same shall not be paid before the day of sale, he shall expose so much of said real estate to the highest bidder, for cash, as will pay the taxes and costs as aforesaid ; and said real estate, if in town lots, shall be sold in such subdivisions as are recognised in such city or town ; but if in tracts, or parcels of land, other than town lots, then in subdivisions of not more than forty acres ; and the owner of all real estate so sold shall have the right to redeem within two years, on the payment of the purchase money, with all costs and interest thereon at the rate of twenty-five per cent. per annum, from the day of sale to the day of payment, during said two years. *Provided*, That if any tax collector cannot procure the foregoing advertisements of real estate to be printed at the prices before stated, he shall post the same up at the court house and four other public places in the county where the real estate is situated, for the time required by this act.

Proviso,

Of lists of insol-
vents.

SEC. 19. *Be it further enacted*, That a list of insolvents, and of such persons as have removed out of the county, with their property, and of errors in the assessment or collection of taxes, shall be returned by the collector to the commissioners' court, which list it shall be the duty of the court to examine, and correct the aforesaid errors, and strike out the names of such persons as any member of said court may know not to be insolvent or removed ; and being approved, the same, with the certificate of the court to that effect, shall be transmitted, by the clerk of the county court, to the comptroller of public accounts, by the first Monday in January, in each and every year, with an account of said errors, as corrected, and the amount of taxes due from each and every insolvent person, or who have removed out of the county ; and the said collector shall have credit, in his account with the State, on the books of the comptroller, by the amount of taxes due from such insolvents and persons removed, and errors corrected. *Provided*, He first produce a copy of his account of such insolvents and persons removed, and errors corrected, sworn to by himself, and certified by the court, as herein before required.

Collectors shall
make but one
return,

SEC. 20. *Be it further enacted*, That no collector shall be allowed to make more than one return of any list of

insolvents, errors corrected, or other delinquents, or have any credit therefor on the books of the comptroller, after three months shall have expired from the period in which the taxes in such list contained have become due from such collector by law.

SEC. 21. *Be it further enacted*, That the several tax collectors and assessors shall, each, receive as compensation for their services, at the rate of ten per cent. on the first five hundred dollars of State taxes by them respectively assessed and collected; on the next five hundred dollars, five per cent.; on the next thousand dollars, two and one-half per cent.; on all over two thousand dollars, two per cent.; and the like compensation on the gross amount of county taxes levied and collected; and the collector shall, furthermore, be entitled to six dollars, and at that rate, for every hundred miles, of the most direct route, in once going to and coming from the seat of government, for the purpose of making their returns and paying over the taxes by them collected.

Compensation
of collectors and
assessors.

SEC. 22. *Be it further enacted*, That it shall be the duty of the tax collectors of Mobile and Montgomery counties, and the tax collectors of the counties bordering on the Tennessee and Coosa rivers, in this State, annually to assess and collect the tax of one-fifth of one per cent. on the value of every steamboat, vessel, or other water-craft, navigating the waters of this State; and for their services in assessing and collecting the taxes prescribed in this section, they shall receive six per cent. on the amount collected; and the tax above imposed shall be due and payable whenever the same is demanded by the collectors aforesaid; and, in addition to the lien, provided in the next section of this act, on such steamboat, vessel, or other water-craft, for the non-payment of the taxes, the agents of such steamboats, vessels, or other water-craft, shall also be liable for the taxes exacted of such steamboats, vessels, or other water-craft; and the same may be collected of such agent by distress and sale of his goods and chattels, lands and tenements, in the same manner as payment of any other taxes, assessed to him individually, may be enforced; *Provided*, That the receipt of any collector, authorised by this act to receive such taxes, shall be a sufficient voucher for the payment of the same, for the year the same was paid on such steamboat, vessel, or other water-craft. *And provided further*, That this act shall not be so construed as to impose a tax on any steamboat, vessel, or other water-

Duty of certain
tax assessors
and collectors
in regard to
water-crafts.

craft, on a single voyage from another State, or foreign country, and not uniformly navigating the waters of this State certain parts of the year.

*Tax on steam-
boats a lien un-
til paid.

Proceedings.

SEC. 23. *Be it further enacted*, That the tax imposed in the preceding section shall be a lien on the steamboat, vessel, or other water-craft, on which the same is imposed, after the expiration of six months from the payment of the last tax to this State, or from the date of the entrance of said steamboat, vessel, or other water-craft, within the limits of this State; and in case the same be not paid, when demanded, according to the provisions of this act, it shall be the duty of such tax collector, (and he is hereby, for this purpose, vested with the powers of a sheriff, in cases of a levy on personal property under execution,) forthwith to take such defaulting steamboat, vessel, or other water-craft, into his custody, and, after ten days' notice of the time and place of sale, shall proceed to sell such defaulting steamboat, vessel, or other water-craft, her tackle, apparel and furniture, or so much thereof as is necessary, at public auction, to the highest bidder, for cash; and after deducting from the proceeds of sale the amount of taxes due, and the expense of such sale, he shall pay over the balance to the owner or owners of such steamboat, vessel, or other water-craft, so sold; shall convey all right, title or claim, of the owner or owners of the same to the purchaser. And the tax collectors of the counties bordering on the Tennessee and Coosa rivers, and of Montgomery county, shall, under oath, make annual returns, to the comptroller, of assessment and collection of the taxes under this and the preceding section of this act, and pay to him the taxes thus collected at the same time they pay the taxes collected from other property. And the tax collector of Mobile county shall, under oath, make a semi-annual return to the comptroller of the assessment and collection of taxes, made by him on all steamboats, vessels, and other water-craft, and shall pay the taxes collected on such assessment in the same manner as he is required to pay the taxes on other property.

Pay of commis-
sioners' court.

SEC. 24. *Be it further enacted*, That the members of the commissioners' court shall each be allowed the sum of one dollar and fifty cents per day for each and every day they may be engaged in the discharge of the duties imposed on them by this act; which compensation shall be paid them out of the treasury of the county, upon the certificate of the county judge that they have been so

employed. And the several county treasurers of this State shall, each of them, receive, from time to time, for their services, such compensation as may be allowed them by the commissioners' court: *Provided*, That in no case shall such compensation exceed five per cent. upon the moneys paid out by the said treasurers. And for examining, comparing, and certifying the assessments, the commissioners' courts are hereby authorised to allow to the clerks such compensation as they may think just and reasonable, to be paid out of the county treasury. Proviso.

SEC. 25. *Be it further enacted*, That it shall be the duty of the clerk of the county court, in each county, on or before the first day of December in each and every year, to render to the tax collector of his county a statement, on oath, of all licenses granted, from which any revenue may have accrued to the State, from the time of his last annual statement, and of all money received by him under this act; and every such statement shall exhibit to whom, and for what, each license was granted, as well as the amount received, and which he shall pay over to the tax collector, by him to be paid to the State treasurer; and a duplicate of each and every statement said clerk shall transmit to the comptroller of public accounts, on or before the first Monday in January next thereafter. Duties of county clerk.

SEC. 26. *Be it further enacted*, That any clerk failing to return either of the statements to the tax collector or comptroller, at the time, and in the manner, prescribed in the preceding section, shall forfeit and pay, for every such failure, a fine of not less than one hundred, nor more than one thousand dollars, to be recovered, on motion of the comptroller, in the circuit court of Montgomery county, or in the county in which said clerk may reside, upon proof of fifteen days' notice to such delinquent clerk. Penalty for failure.

SEC. 27. *Be it further enacted*, That it shall be the duty of the comptroller of public accounts, within twenty days after the default of any tax collector, in not paying into the treasury the taxes collected by him, or paid to him by the county court clerk, for license or otherwise, under this act, at the next term of the circuit or county court of Montgomery county, or of the county in which the defaulting collector resides, to move the court for judgment against him and his sureties for the amount of the taxes not paid into the treasury; and the court shall render judgment for such amount on proof of fifteen days' notice to the collector, against him and his sureties; or when the collector absconds or secretes himself, or when the notice is returned "not Comptroller shall proceed against defaulting collector.

found," as to him, then against such of his sureties as may have been notified of the intended motion; and the certificate of the comptroller, of the amount of taxes unpaid, shall be *prima facie* evidence of the fact; and a certified copy of the bond of the tax collector, whether by the comptroller or clerk of the county court, shall have the same force and effect, *prima facie*, as if the original bond were produced in court..

Of notice to defaulting collectors, &c.

SEC. 28. *Be it further enacted*, That any notice which may, by the provisions of this act, be required to be given to defaulting assessors, collectors, tax payers, or others, may be given to the party personally, or left at his or her usual place of abode.

Power of court in Mobile.

SEC. 29. *Be it further enacted*, That the criminal court for the county of Mobile shall have the same jurisdiction as the circuit courts of this State, in all matters of an indictable nature, and of all penalties arising from a violation of any of the provisions of this act.

Repeal.
Proviso.

SEC. 30. *And be it further enacted*, That all laws, and parts of laws, contrary to the provisions of this act, be, and the same are hereby repealed: *Provided*, That no obligation to pay, assess, or collect taxes, or claim, suit or prosecution, originating, unclosed or unsettled under existing laws, or revenue laws heretofore passed, shall be released or affected thereby.

APPROVED February 11, 1850.

[No 3.]

AN ACT

Establishing Courts of Probate, and for other purposes.

Name and style of court and judge.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That there is hereby established in each county in this State, a court of record to be styled "the court of probate." The same shall be composed of one judge for each county, to be styled "the judge of probate," of each county respectively, who shall be elected by the qualified voters of the respective counties, in the same manner as judges of the county courts are now required to be elected; to be commissioned by the governor, and who shall hold their offices for the term of six years, and until their successors shall be duly elected and qualified, unless sooner removed from office; said elections to be governed by the same rules, and subject to the same regulations as now is

Term of office.

or may hereafter be provided for the election of members of the general assembly.

SEC. 2. *Be it further enacted*, That judges of probate shall be citizens of the State of Alabama, and shall have resided in the county for which they shall be elected, one year immediately preceding their election. Judge shall be a citizen of the State.

SEC. 3. *Be it further enacted*, That said judges of probate shall, before entering on the duties of their respective offices, take and subscribe before some justice of the peace for their respective counties, an oath or affirmation to the effect following, to-wit: I, ———; do solemnly swear (or affirm) that I will impartially and diligently, and without being influenced by fear, favor or affection, faithfully execute the duties of judge of probate of ——— county, according to law, to the best of my skill and ability, as long as I may continue in said office. And they shall also enter into bond, with good and sufficient sureties, to be approved by some judge of the circuit court, under such penalty as shall be fixed by such circuit judge, in a sum not less than five thousand dollars, payable to the governor for the time being, and his successors in office, conditioned for the faithful performance of the duties of his office; which bond shall be filed in the office of the secretary of state; subject to be sued on by any person or persons for any injury, waste or damage sustained in any estate, in consequence of any neglect or omission to take good and sufficient security, and to take new bonds, when necessary, from guardians, executors or administrators; as also by any person or persons, for any other injury which may be sustained by the failure of said judge to perform any other official duty—such bonds to be recorded, kept, and proceeded on as bonds of the judges of the county courts are now required to be recorded, kept and proceeded on. And if such bonds are not duly executed and filed in the proper office, within forty days next after the election or appointment of any probate judge, it shall be the duty of the secretary of state to certify the same within five days thereafter to the governor, who shall thereupon proceed to fill said office as in other cases of vacancy. Oath of office.
Bond and securities.
Governor to fill vacancies.

SEC. 4. *Be it further enacted*, That whenever any person aggrieved desires to sue on the bond of a judge of probate, a copy thereof duly certified by the secretary of state, or of the record thereof by the clerk of the circuit court, where the same may be recorded, shall be received as evidence in lieu of the original, for which copy and certificate said secretary or clerk shall be entitled to a fee of How suit may be brought on judge's bond.

one dollar, to be paid by the party desiring the same. *Provided*, however, that when a plea of *non est factum* shall be filed, the original bond shall be forwarded by the secretary of state to the court in which such suit may be pending, to be proved as in other cases.

Filing oath.

SEC. 5. *Be it further enacted*, That the oaths required to be taken by said judges of probate, shall be filed by the justice administering the same, in the office of the clerk of the circuit court of the county for which said judge shall have been elected or appointed.

New bond may be required.

SEC. 6. *Be it further enacted*, That any judge of probate (upon the address of a majority of the grand jury empaneled at a circuit court of his county; or upon the address of three members of the commissioners' court in vacation, that the bond of such judge is or has become insufficient from any cause,) may be required by the presiding judge of such circuit court, or by the judge of the circuit, to give new bond, with good and sufficient sureties; and upon his failure for the space of forty days to give such bond and surety when thus required, said circuit judge shall declare the office vacant and certify the same to the governor, who shall proceed to fill said office as in other cases of vacancy.

Governor to fill vacancy.

SEC. 7. *Be it further enacted*, That all vacancies in the office of judge of probate shall be filled by the governor; the appointee to hold the office until the first Monday in May next after his appointment, and until his successor is duly elected and qualified.

Juri-diction of judge.

SEC. 8. *Be it further enacted*, That said judges of probate shall have, and exercise in their respective counties, original jurisdiction in relation to the probate of last wills and testaments; the granting letters testamentary and of administration, and the repealing and revoking the same, appointing and displacing guardians of orphans, minors and persons of unsound mind; the binding out apprentices, and in the settlement and allowance of the accounts of executors, administrators and guardians; to hear and determine all disputes and controversies respecting wills, right of executorships, administrators and guardianships; all controversies between masters and apprentices; and to hear and decide all controversies about the distribution of estates in his office.

Duties of judge.

SEC. 9. *Be it further enacted*, That said judges of probate, in their respective counties, shall, as a member of the commissioners' court of roads and revenue, perform all the duties now done and performed by judges of the county

courts, and shall have and exercise full jurisdiction of, and do and perform all things now required of the judges and clerks of the county and orphans' courts, except as herein excepted and provided, with full power to cause juries to be empaneled and sworn, to try questions of fact, upon the application of either party in controversy, and to do all things necessary to the proper management and settlement of the estates of orphans, minors, of persons deceased, or of unsound mind; and all laws now in force in relation to said orphans' and county courts, and in relation to the decrees, judgments and proceedings thereof, shall remain in force, except as herein provided.

SEC. 10. *Be it further enacted*, That judges of probate, in their respective counties, shall have power at any regular term of the court, as herein provided for, to grant tavern license, and license to retail in their respective counties, in the same manner as county courts now do. Judge to grant licenses.

SEC. 11. *Be it further enacted*, That judge of probate shall have power to administer all oaths required to be administered, and to take and certify affidavits, the acknowledgment of all deeds, instruments of writing, and relinquishments of dower, that can be taken and certified by judges or clerks of the circuit court, to grant writs of certiorari returnable to the circuit courts, and to grant, hear and determine writs of habeas corpus, in all cases in which judges of the courts may. They shall be conservators of the peace, shall have and use for the authentication of their records and proceedings a seal of office, with suitable emblems or devices, using private seals until others are provided. Powers of judge

SEC. 12. *Be it further enacted*, That said judges of probate shall keep their offices at the court house of their respective counties, and shall keep them open for the transaction of business at least on Mondays, Tuesdays, and Saturdays of each week, from nine o'clock in the morning, until four in the afternoon, with the exception of one hour each day at noon. Office, where and how kept open.

SEC. 13. *Be it further enacted*, That said judges of probate shall each hold at the court house of their respective counties, a regular term of his court, to commence on the second Monday in each month, and may have special or adjourned terms at any time when required for any special purpose. *Provided*, That said courts shall at all times be considered open, Sundays excepted, with full power to do all things needful, in relation to granting letters testamentary, of administration and guardianship, binding out Regular and adjourned terms Proviso.

orphans, and to make all other necessary orders which are or may be grantable of course.

SEC. 14. *Be it further enacted*, That said judges of probate shall have power at all times, to hear and determine all applications for dower in land, to the same extent and in such manner as circuit courts now, or may be authorised so to do, and to receive and record the dissent by any widow, to the will of her deceased husband, within the time prescribed by law.

SEC. 15. *Be it further enacted*, That said judges of probate shall be in their respective counties registers of mesne conveyances, and it shall be their duty to record as is now required by law of clerks of the county courts, all deeds and conveyances, and other instruments now authorised or required to be recorded; such deeds, conveyances and other instruments, and the record thereof, to have the same effect and validity as heretofore, when recorded by the clerks of the county courts, and for any failure of duty in relation to such deeds, conveyances and other instruments now authorised or required to be recorded, said judge and his securities shall be liable to the party aggrieved on his official bond.

SEC. 16. *Be it further enacted*, That each judge of probate shall keep records of all his official acts and proceedings, shall make, keep and preserve complete records of all wills, testaments and codicils, and the probate thereof, all bonds taken of, and the annual and final settlements, inventories, appraisements, sale bills, and accounts of executors, administrators and guardians, and shall arrange the same under proper heads for easy reference, and preserve the originals on file in his office, and shall do and perform all the duties now required to be done and performed by clerks of orphans' courts.

SEC. 17. *Be it further enacted*, That all bonds now required to be made payable to the judges of county courts, shall be made payable to the judges of probate, and their successors in office, and all bonds now required to be approved by county court judges shall be approved by judges of probate.

SEC. 18. *Be it further enacted*, That the several judges of probate shall have power to employ a clerk at his own expense, who may do all acts and things not judicial in their nature, that said judge might do, and for whose official acts the said judges of probate, by whom they are respectively appointed, shall be responsible, which clerk shall take an oath or affirmation for the faithful performance of

his duties, and may be required to enter into bond with sureties, payable to said judge appointing him, in such sum and with such conditions as he may require.

SEC. 19. *Be it further enacted*, That said judges of probate shall have power to enforce due obedience to all the orders, rules, judgments and decrees which he may make in the discharge of the duties of his office, and may issue all process which may be necessary to enforce the orders, judgments and decrees of said courts, which process shall conform, as near as may be, to that used in the courts of law in this State, and shall be directed, attested and returned in like manner, and under like penalties for failure. Power to enforce obedience

SEC. 20. *Be it further enacted*, That said judges of probate shall have power to issue attachments returnable to the circuit court in the same manner as judges of the circuit court may do, and may issue attachments for contempt of- Attachments.
Of contempt.
 ferred such court or its process, by an executor, administrator, guardian, witness, or any other person or persons, and may fine and imprison for contempt of court while in session as the judges of circuit courts may do, and that all fines collected under this act shall be paid into the county treasury.

SEC. 21. *Be it further enacted*, That all executions which may be issued upon judgments, and decrees of probate courts, (or of the orphans' courts) shall be made returnable to some succeeding term of the probate court, not less than three nor more than six months from the date of the execution. Return of executions.

SEC. 22. *Be it further enacted*, That the sheriffs of the several counties shall attend in person, or by deputy, when required by the judges of their respective counties, all regular, adjourned and special terms of said courts of probate, and shall execute and make due return of all writs of attachment, summons, subpoena, citations, notices and other process which may at any time be legally issued by said judges of probate, and shall be entitled to the same fees and compensation as may, for the time being, be allowed for like services in the circuit court; and in case of the incapacity of any sheriff on account of interest or other cause, the coroner of the county shall perform the duties required of sheriffs, during such incapacity, and be entitled to the compensation allowed to sheriffs for like services; and for every failure to attend the sittings of the court, as herein required, such sheriff or coroner so failing shall be subject to a penalty of twenty dollars, and for which said Duties of sheriff and coroner.

court may enter up judgment, and issue execution in favor of the State of Alabama, for the use of the treasurer of the county in which said failure happens.

Letters, &c.
tested and sign-
ed in name of
judge.

SEC. 23. *Be it further enacted*, That all letters testamentary, of administration, or of guardianship, and all other process issuing from such courts of probate, shall be tested and signed in the name of the judge thereof.

All instruments
to be admitted
to record.

SEC. 24. *Be it further enacted*, That all deeds of conveyance, mortgages, deeds of trust and powers of attorney, proven or acknowledged by or before a probate Judge of any county in this State, and duly attested by him, may be admitted to record in any county in the State where the same may be required to be recorded.

Fees.

SEC. 25. *Be it further enacted*, That the following fees, and none others, be, and the same are hereby allowed to probate judges :

For granting letters testamentary, and of administration, and approving and recording bond;.....	\$1 50
For order admitting will to probate.....	50
For order appointing appraisers, and copy inclusive,	50
For presiding on the trial of a contested will,.....	\$2 00
For order of sale of personal property, and copy inclusive,.....	50
For ordering to record an inventory, appraisement or account of sales returned into court, each,.....	50
For order appointing commissioners to divide real or personal estate,.....	50
For all orders and decrees inclusive, connected with the sale of land by an executor, administrator or guardian,.....	2 50
For hearing application for dower, including all necessary orders setting apart dower,.....	2 00
For making decree on final settlement of an executor, administrator, or guardian, and on annual settlements of executors or administrators, and ordering the same to be recorded, the examination of vouchers inclusive,.....	2 00
For approving any and every bond, except those of executors, administrators or guardians, for which no fee shall be allowed, except as herein provided,	50
For orders and decrees in writ of ad quod damnum.	2 00
For granting tavern license,.....	50
For copy of tavern rates, ...	25
For granting retail license and other services connected therewith inclusive,.....	2 00
For every certificate required by law,.....	50

For recording certificate of estray, and copy, and for advertising at the court-house inclusive,.....	75
For an order binding out an apprentice, and copy inclusive,.....	50
For recording indenture of apprenticeship,.....	50
For every writ of ad quod damnum,.....	1 00
For recording the return therein, for every hundred words,.....	10
For taking and certifying acknowledgments or proof of deeds of conveyance, mortgages, deeds of trust, power of attorney, relinquishment of dower requiring attestation, each,.....	50
For commission to take depositions,.....	50
For every writ of lunacy,.....	1 00
For recording the return and inquest therein, for every hundred words,.....	10
For all judgments and decrees or jury trials, each,..	2 00
For services rendered in filing and recording a declaration to change a name or adopt a child or children,.....	1 00
For services rendered in issuing attachment, or granting certiorari, taking affidavit and approving bond,	1 00
For granting writ of habeas corpus, hearing the same and recording judgment or decree inclusive,	2 00 Fees.
For each citation to executor, administrator or guardian,.....	50
For each order of removal or hearing upon application for the removal of executors, administrators, or guardians, and decree inclusive,.....	2 00
For order empanneling jury and qualifying the same, inclusive,.....	50
For receiving dissent of a widow to will of her deceased husband,.....	50
For recording the same, for every hundred words,..	10
For each execution,.....	50
For each subpoena,.....	25
For each citation to heirs or legatees, and copy inclusive,.....	25
For issuing marriage license, taking bond, and recording certificate of marriage,.....	1 50
For recording any will, deed, settlement, inventories, appraisements, accounts of sale, and bonds of executors, administrators and guardians, report of commissioners to divide real or personal estate, or attesting dower, return of ad quod damnum, annual and final settlements, and all other proceedings	

Fees.

or instruments, which by law are required to be recorded, and not herein otherwise provided for, and for an exemplification from the record or copy thereof, each, for every hundred words, ... 10

For entering and copying orders for reviewing and opening roads, for orders appointing overseers of roads and copying the same, for recording proceedings of commissioners' court of roads and revenue, and for all other public services for which no fee is herein specified or allowed to be paid out of the county treasury, by order of the commissioners' court, not to exceed per annum the sum of 75 00

SEC. 26. *Be it further enacted*, That said judges shall charge a fee for only one judgment or decree in the settlement of an estate, notwithstanding such decree or judgment be in favor of different legatees or distributees, or different creditors of an insolvent estate, and there shall be no charge for recording such decree, except a charge of ten cents for every hundred words.

Settlements of guardians.

SEC. 27. *Be it further enacted*, That in all partial settlements of guardians, when the ward's estate does not exceed one thousand dollars in value or amount, and in all partial or final settlements of solvent estates, when the heirs or legatees are of age, and waive publication in a newspaper, advertisements thereof shall be put up at the court house, and shall not be inserted in a newspaper, and no fees shall be charged for making such settlements, except as herein provided. And annual settlements of guardians shall not be required, except in cases provided for by the act of December 16th, 1836, entitled "An act regulating the estates of minors and others under guardianship;" but all guardians shall annually file, in the office of said judge, accounts of their receipts, expenditures and disbursements, to be recorded and preserved. And if such accounts are not filed at the end of every year, said judge may issue a citation to such guardian at the end of thirty days, requiring him to file his accounts; the fees for such citation to be paid by such guardian out of his own funds: *Provided*, That on all estates of less value than two hundred dollars, the fees charged shall be only one-half the rates allowed by law in other cases.

Partial settlements may be corrected.

SEC. 28. *Be it further enacted*, That partial settlements, whether of executors, administrators, or guardians, shall on final settlement be considered only as *prima facie* correct, liable to be corrected for any error, either in law or fact; and in no case shall public notice of such partial or annual

settlements by advertisement in a newspaper be necessary, unless when some portion of the heirs or legatees reside out of the State: *Provided*, That this section shall have no application to estates reported insolvent.

SEC. 29. *Be it further enacted*, That any party aggrieved by any interlocutory or final order or decree of a judge of said court, may, within three years from the rendition thereof, appeal therefrom to the supreme court, under such rules and regulations as said supreme court may from time to time lay down, regulating such appeals.—*Appeal.*
Provided, That if the party appealing desires to stay the judgment of said court, he may do so by giving bond, with good and sufficient sureties, in double the amount of said judgment, conditioned and payable as in appeals from the court of chancery, which bond shall be approved by the judge of probate: *Provided further*, That from any judgment or order final in said court, a writ of error shall lie to the supreme court in the same manner as upon judgments of the circuit courts. *Proviso.*

SEC. 30. *Be it further enacted*, That in all cases of appeals or writs of error said judge shall make out and deliver to the party appealing or suing out a writ of error, a full transcript of the record and proceedings in relation to the item or opinion appealed from or complained to be erroneous, and in all cases in which the errors complained of are not apparent from the record the same shall be presented by a written statement in the nature of a bill of exceptions, signed by said judge, and which written statement shall be governed by the same rules which govern bills of exceptions. *Transcript of record to be made by judge.*

SEC. 31. *Be it further enacted*, That the respective chancery courts in this State shall, on bill filed, at any time within three years, by either party, correct any errors in law or fact which may be shown to exist in any matter decided or determined by said courts of probate; such chancery proceedings subject to be reviewed in the supreme court as in other cases, but such chancery courts shall correct no errors of law or fact, not appearing of record, except upon such allegations and proof as show that the same occurred without any fraud, accident or neglect on the part of complainant or his attorney. *Chancery court to correct errors.* *Provided*, however, that the limitations in this act specified shall not apply to infants, married women, or persons of unsound mind, who may have all the privileges of writs of error or appeals, or of proceedings in chancery herein provided for, three years after their disabilities have ceased. *Proviso.*

Granting letters
of guardianship

SEC. 32. *Be it further enacted*, That whenever any person shall apply for letters of guardianship, as regards two or more minors, having estates undivided and derived from the same source, either as legatees, distributees, or otherwise, the same shall be granted so as to include all of said minors in the same letters, and a bond shall be taken in a sufficient amount conditioned as heretofore; the costs and fees in all instances, for said letters of guardianship, for inventories, returns thereof and settlements, to be the same as though there was but one ward.

No fees to be
charged for ad-
vice, &c.

SEC. 33. *Be it further enacted*, That the judges of the courts of probate shall not, nor shall any one employed for or by him in his office, in any case pending in their respective courts, take any fee for advice, or for preparing the accounts of any executor, administrator, or guardian, nor from any legatee, or distributee, under the penalty of fifty dollars, to be recovered by action of debt before any justice of the peace, by such executor, administrator, or guardian so improperly charged, and to be accounted for as other assets. And if any such judge shall receive any other or greater fees than are by this act allowed from any guardian, executor, or administrator, or other person, he shall, for every such fee so improperly received, forfeit to the person paying the same the sum of fifty dollars, recoverable before any justice of the peace, in the name of the person who shall have paid such fee, to be by him accounted for if paid as guardian, executor or administrator, as other assets; and it shall be their duty to sue for the same;—*Provided*, that this remedy shall not bar an indictment for extortion, nor prevent any person aggrieved to a greater amount than fifty dollars from recovering in addition whatever amount he may have illegally paid.

Proviso.

Penalty for
mal-practice.

SEC. 34. *Be it further enacted*, That if any judge of probate shall knowingly and wilfully do any act contrary to the duties of his office, as prescribed by law, or shall knowingly or wilfully omit or refuse to perform any act, service or duty, required of him by the laws of this State, he shall be deemed guilty of a misdemeanor in office, and on conviction thereof shall be removed from office, and be subject to a suit for damages by the party injured.

Offices of judge
and clerk of
county court es-
tablished.

SEC. 35. *Be it further enacted*, That the offices of judge and clerk of the county and orphans' court be, and the same are hereby abolished, and all suits now pending in the county court, shall be placed for trial on the dockets of the circuit courts of said counties respectively, and the clerks of said county courts shall hand over to the clerks of said circuit courts the original papers of said suits, with

a certificate of all the orders that have been made thereon. And said county court clerks shall hand over to said judges of probate for their respective counties all other papers, books, and records belonging to the office.

SEC. 36. *Be it further enacted*, That the papers and records of suits heretofore ended and determined in the county courts, shall be by the clerks of said courts deposited in the office of the clerks of the circuit courts in their respective counties, with all the original papers, minutes and dockets thereto belonging, and shall be by said clerks of the circuit courts safely kept. And said clerks of circuit courts shall have power to issue all writs of execution or other process therein returnable into said circuit courts, and writs of error to the supreme court, in the same manner as if said suits had been tried and determined in said circuit courts. And when necessary, writs of *scieri facias* may issue thereon, and judgments revived, as if the same had been obtained in said circuit courts, and transcripts of said records made by said clerks of the circuit courts, and by them duly certified, shall be received in evidence in all the courts in this State.

Papers to be deposited in offices of circuit clerks.

Power of circuit clerks.

SEC. 37. *Be it further enacted*, That it shall be the duty of the judge of probate for each county to issue his warrant on the county treasurer of the proper county for all allowances made by the commissioners' court.

Judge to issue his warrant on the treasurer.

SEC. 38. *Be it further enacted*, That said judges shall keep constantly on their tables a book in which shall be entered all the fees which they have received by virtue of their offices as judge, and it shall be the duty of the solicitor, and the grand jury, during every term of the circuit court, to examine said fee book, and to inquire into the fact whether or not illegal fees have been received; and if they should find that greater or other fees have been received than are allowed by law, said judges shall be indicted therefor, and if convicted shall be fined not less than one hundred nor more than five hundred dollars, and be dismissed from office, and the court shall moreover have said conviction certified to the Governor, who shall fill the office as in other cases of vacancy.

Fee book to be kept.

SEC. 39. *Be it further enacted*, That the first election of judges of probate under this act shall take place on the first Monday in May next. And this act shall take effect from and after the first day of March next, and all process then out in the hands of sheriffs or other officers from said county courts shall be by them returned to the circuit court of the counties to which they respectively belong. *Provided*, That judges and clerks of the county and

Time of electing judges.

orphans' courts shall each hold their respective offices, and proceed as before, until probate judges in their respective counties are duly elected and qualified.

Judge not to sit upon causes in which he is interested.

SEC. 40. *Be it further enacted*, That no judge of probate shall act upon the determination of any cause or proceeding, or take jurisdiction of any matter in which he is interested or related to either party, by consanguinity or affinity, or in which he shall have been counsel, executor, administrator or guardian, unless by the consent of the parties concerned. But in such cases the cause or proceeding shall be commenced or transferred, as the case may be, to the circuit court of the proper county, and said court shall take jurisdiction of and proceed therein, as the probate court might have done. *Provided*, That in all cases where appeals are given exclusively to the county court, the same shall hereafter be taken to the circuit court.

Expenses to be allowed.

SEC. 41. *Be it further enacted*, That each judge of probate shall be allowed all reasonable expenses for suitable books, stationery, and providing a seal of office, to be paid by the county.

Repeal clause.

SEC. 42. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act be, and the same are hereby repealed.

Criminal court of Mobile.

SEC. 43. *Be it further enacted*, That the same jurisdiction and system of practice, which the county courts of this State now possess, (except the jurisdiction conferred by this act on the probate court,) be, and the same is hereby conferred on the criminal court of Mobile county.

Salary.

SEC. 44. *Be it further enacted*, That the judge of the criminal court of Mobile county shall receive the sum of five hundred dollars in addition to the salary now allowed him, payable at like times and from the same sources as now provided by law.

Liability of sheriffs.

SEC. 45. *Be it further enacted*, That sheriffs and other officers shall be liable to the same proceedings by summary notice, for failing to execute or return process, or for failure to collect or pay over money, as heretofore existed under former laws.

APPROVED 11 February, 1850.

[No. 4.]

AN ACT

Supplementary to An Act entitled An Act establishing Courts of Probate, and for other purposes, passed at the present session of the General Assembly.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

convened, That the duties heretofore required or authorised to be performed by either the judge or the clerk of the county court, one or both, of any and every description and not expressly prohibited or otherwise provided for in the above recited act, shall hereafter be performed under the same rules and regulations so far as applicable by the judges of probate, to be elected as prescribed in said above recited act to establish courts of probate.

Duties and powers of probate judge.

APPROVED 13 February, 1850.

[No. 5.]

AN ACT

In relation to Courts of Probate and their jurisdiction.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the first Monday in May next, judges of probate in their respective counties shall have jurisdiction of and do and perform all the duties now required to be done and performed by county courts, in relation to county officers, and when, by the existing laws, bonds are required to be made payable to or be taken or approved by the county court, the same shall be made payable to, taken and approved by the court of probate.

General jurisdiction of probate judges.

SEC. 2. *Be it further enacted*, That proceedings in cases of bastardy, which are required to be returned to the county court, shall, after the time named in the first section of this act, be returned to the court of probate, in which the like proceeding shall be had as are required by the existing laws by the county court, and the said courts of probate shall have and exercise full jurisdiction of and perform all the duties in cases of bastardy now exercised and performed by the county courts.

Bastardy proceedings to be had in probate court.

APPROVED 13 February, 1850.

[No. 6.]

AN ACT

To provide for the election of judges of the circuit courts and judges of inferior courts of this State by the people.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the elections of judges of the circuit courts for the several judicial circuits of this State, and judges of

Elections, when held.

Regulated hereafter.

Sheriff shall give notice.

Elections, how conducted.

Separate ballots to be given

Return of elections by managers.

Duty of inspectors in regard to tickets.

Votes to be compared at court-house.

the county, probate and other inferior courts for the several counties of this State, shall be held on the first Monday of May next, and on the first Monday of May in each and every year thereafter, whenever it becomes necessary to elect such judges, in consequence either of the creation of such office, the expiration of a term of office, or a vacancy occurs in such office from any cause whatsoever.

SEC. 2. *Be it further enacted*, That notice of said election shall be given, and said elections shall be held at the same places, under the same rules, regulations, and penalties, by the same officers, invested with the same powers, and appointed in the same manner, as is now by law prescribed in respect to elections for members of the general assembly, except as is hereinafter provided.

SEC. 3. *Be it further enacted*, That the voters shall give in separate votes for each description of judge they may vote for; which votes shall be placed in separate boxes, and as each person hands in his ballot it shall be numbered, and the number with his name placed upon the separate lists, kept by the clerks.

SEC. 4. *Be it further enacted*, That immediately upon the close of the election, the returning officer at each place of election shall, in the presence of the inspectors, proceed to count, in a public manner, the ballots, and shall take an account of the number of votes each candidate or person voted for shall have received, and in presence of the inspectors shall cast them up and make a correct statement of the number of votes given for each candidate, and for what office, at such precinct; which statement shall be certified by a majority of the inspectors at that place, and forwarded to the sheriff at the court-house of that county, within five days thereafter, by the returning officer.

SEC. 5. *Be it further enacted*, That the inspectors aforesaid shall return all the tickets so counted out into the boxes, together with the clerks' list of votes, and seal them up; and it shall be the duty of said inspectors to keep said election boxes for the space of sixty days, at the end of which time the said votes shall be destroyed by the inspectors, unless notice shall be given to some one of said inspectors that some part or parts of said election will be contested, and, in that event, it shall be the duty of said inspectors to preserve the same until properly demanded.

SEC. 6. *Be it further enacted*, That the sheriff of any county in which elections are held agreeable to the provisions of this act shall appear by himself, or deputy, on the next Monday after the holding of each election at the court-

house of his proper county, when the statement of the votes at the different precincts shall be examined and compared by said sheriff, or his deputy, in the presence of two justices of the peace, who are to be summoned for that purpose by the sheriff, or deputy, and such candidates as choose to attend; and a certificate under the hands of said returning officer, showing the number of votes given to each candidate, shall be transmitted to the secretary of state within thirty days thereafter.

And result certified to Secretary of State.

SEC. 7. *Be it further enacted*, That the person appearing from such certificate to have received the greatest number of the votes given in the counties composing any judicial circuit in this State, for judge of that circuit, shall be the judge of the circuit court of that circuit; and the person receiving the greatest number of votes given in any county in this State for judge of the county courts, or judge of any probate, or other inferior court of that county, as the case may be, shall be the judge of that court; and said judge shall be commissioned accordingly forthwith, upon complying with the requisitions of the law in respect to qualification, and may enter upon the duties of the office, subject, however, to be displaced upon a successful contest of the election, or by any other due course of law.

Election to be declared and commission issued.

SEC. 8. *Be it further enacted*, That the mode of contesting the election of judges of the inferior courts of this State, including judges of county courts and judges of probate courts, and the proceedings had under the same shall be as is now prescribed by law in cases of contested elections of sheriffs and clerks of county and circuit courts; and all the laws now in force respecting contested elections of those officers shall apply to contesting the elections of said judges.

Mode of contesting elections of inferior judges.

SEC. 9. *Be it further enacted*, That any one of the several chancellors of this State shall have power to hear and determine all contests of elections of judges of the circuit courts, upon application being made to him by petition, and a notice of such contest given to the opposite party and to the inspectors of elections of the several election precincts, within sixty days after the day upon which said election shall have been holden, and (except as is by this act otherwise provided) all the laws now in force respecting contested elections of sheriffs shall apply to contested elections of judges of the circuit courts.

Mode of contesting elections of circuit courts.

SEC. 10. *Be it further enacted*, That whenever it shall appear from the returns made to the secretary of state as herein before prescribed, that two or more persons have received an equal number of votes for the same office, it

In case of a tie who shall decide.

shall be the duty of said secretary to notify the sheriffs of the counties where the election was held; and the sheriff of the proper county (in case it be the election of a judge of the county court, or other inferior court,) shall give the casting vote, to be certified before a justice of the peace, and by such sheriff transmitted to the secretary of state, within forty days of said election. But if the tie shall have occurred in the election of any judge of the circuit court, then and in that event the casting vote shall pertain to the sheriff of the county which shall have the largest population, according to the returns of the census of the State taken next last preceding the election.

APPROVED 9 February, 1850.

[No. 7.]

AN ACT

To provide for the taking the Census of the State of Alabama for the year 1850.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners' courts of roads and

Commissioners' court shall appoint census taker.

revenue in the several counties of this State be and they are hereby authorised and required, previous to the first day of April next, to appoint in each of the counties of the State one fit person to take the census, or enumeration of the inhabitants of the respective counties, for the year one thousand eight hundred and fifty; and the person so appointed shall take and subscribe, before he enters upon the duties of his office, the following oath, viz: I — do solemnly swear (or affirm) that I will faithfully take the census and correctly enumerate the inhabitants of — county according to the true intent and meaning of the act to provide for taking the census of the State of Alabama for the year one thousand eight hundred and fifty, approved the, — day of —, one thousand eight hundred and fifty, so help me God; which oath shall be filed in the office of the clerk of the circuit court of the proper county.

His oath.

Duty of census-taker in making enumeration.

SEC. 2. *And be it further enacted,* That it shall be the duty of the census taker appointed as aforesaid to make personal application to, and enumerate all persons not heads of families, and to make like application to all heads of families within the county for which he shall have been appointed for a true estimate of all the members thereof; such estimate to contain an enumeration of the whole num-

ber of the members belonging to his or her family ; making a correct distinction between the number of white males under twenty-one years of age and white males over twenty-one years of age ; also the number of white males between the ages of eighteen and forty-five, and the number of white males over the age of forty-five ; and between the number of white females under the age of twenty-one years of age, and white females over the age of twenty-one years, showing the total of each class ; and such enumeration to contain also the whole number of slaves, and the whole number of free persons of color.

SEC. 3. *And be it further enacted*, That the said census-taker shall make an enumeration of all the insane white persons, epileptics, and idiots in his county respectively, designating those within the county at the time of the enumeration, and such, being citizens of the State, as may be sent abroad.

Of persons in-
sane, &c.

SEC. 4. *And be it further enacted*, That the subjoined form shall be used in the enumeration as provided for in this act ; and the secretary of state is hereby required to send printed copies of this act and the subjoined form to each person appointed census taker as soon after the first day of April next as may be :

Form.

Names of individuals, or heads of families.	Total inhabitants.									
	White males under 21.....	White males over 21.....	White males between 18 and 45,	White males over 45.....	White females under 21.....	White females over 21.....	Insane within county.....	Insane sent abroad.....	Number of slaves.....	Number of free persons of color,

SEC. 5. *And be it further enacted*, That the census-taker shall ascertain and report to the secretary of state the number of colleges, academies, and common schools in each county respectively, and also the number of scholars at

Colleges, &c.

each college, academy and common school, as nearly as practicable.

Compensation.

SEC. 6. *And be it further enacted*, That the several census-takers appointed as aforesaid shall be allowed for taking the census or enumeration as aforesaid the following compensation, to-wit: for each hundred under one thousand, two dollars; for each hundred, and not exceeding two thousand, one dollar and seventy-five cents; for each hundred over two thousand and not exceeding three, one dollar and fifty cents; for each hundred over three thousand and not exceeding five thousand, one dollar and twenty-five cents; and for all exceeding five thousand, one dollar per hundred, and three dollars each for the two copies sent to the secretary of state.

Returns.

SEC. 7. *And be it further enacted*, That the census-taker shall make out three copies of the enumeration with the classification aforesaid, according to the form herein prescribed; one of which shall be deposited in the office of the clerk of the circuit court and two shall be forwarded to the secretary of state on or before the second Monday in November next; and it shall be the duty of the secretary of state to lay before the speaker of the house of representatives, at the next session of the general assembly, one copy of the enumeration by this act required to be forwarded to him, and to give to each census-taker his certificate that the two copies required by this act have been deposited in his office.

How paid.

SEC. 8. *And be it further enacted*, That the comptroller of public accounts shall, on the presentation of the said certificate of the secretary of state, issue his warrant on the treasurer in favor of the census-taker for the sum which may be due him according to the rates of compensation herein provided for.

Extent of enumeration.

SEC. 9. *And be it further enacted*, That the enumeration herein required to be made shall embrace all the citizens of the State, whether within the State at the time of the enumeration or abroad, but such persons only as shall be residents of the respective counties in which they are enumerated on the first day of April next: *Provided*, That persons removing into any county after the said first day of April next, and making oath or affirmation that they have not been enumerated in any other county, may be included.

Proviso.

Penalty for refusing to give in

SEC. 10. *And be it further enacted*, That if any person shall refuse to render such enumeration of his or her family on application as aforesaid, or shall knowingly render a

false one, such person shall forfeit the sum of fifty dollars, to be recovered by the census-taker, before any justice of the peace, and paid into the county treasury.

SEC. 11. *And be it further enacted*, That if any person who may be appointed under the provisions of this act, and shall have accepted such appointment by acquiescence or otherwise, shall fail to perform, in any respect, the duties herein assigned him, he shall forfeit the compensation herein allowed, and also the sum of two hundred dollars, to be sued for in the name of the State of Alabama, before any court having jurisdiction thereof, and paid into the treasury of the State.

Penalty on census-taker for failing to perform duty.

SEC. 12. *And be it further enacted*, That the commissioners' court of roads &c. shall fill all vacancies which may occur in any manner in the said office of census-taker, and the person so appointed shall receive compensation in proportion to the services by him actually rendered, to be adjusted by the comptroller of public accounts.

Vacancies, how filled.

APPROVED 11 February, 1850.

[No. 8.]

AN ACT

Providing for a code of the statutes of Alabama, and for the preparation of a code of practice in the courts of this State.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John J. Ormond, George Goldthwaite and John Erwin be and are hereby appointed to arrange and codify the public statute laws of this State.

Commissioners to codify.

SEC. 2. *Be it further enacted*, That said board shall, in performance of the duties imposed by this act, reduce the several subjects into proper chapters and sections; bringing into each chapter, as near as may be, a condensation of all the public laws appertaining to the subject treated in each chapter; that said board shall not simply transfer the statutes, but shall (without changing the sense) so alter their phraseology as to exclude all redundancy of expression; and where there shall be several acts relating to the same subject they shall be condensed into one, and so expressed as clearly to set forth the sense of the whole, having regard to judicial expositions thereof.

General duties and powers.

SEC. 3. *Be it further enacted*, That whenever it shall be apparent that there may be legislative omissions in any

Shall supply legislative omissions.

statute, said board shall supply the same, so as to perfect such statute, and render its operation complete.

Duty in preparing titles for each chapter.

SEC. 4. *Be it further enacted*, That said board shall prepare appropriate titles and subdivisions of titles for each chapter, clearly and briefly expressive of the subjects treated; also, shall make an index for easy reference to the manuscript copy of the code; shall add such marginal notes to the acts as shall be proper for the clear elucidation of them, and for easy reference to the several laws from which they may compile; with references to the decisions of the supreme court, in which construction may be given to the acts.

What the code shall contain.

SEC. 5. *Be it further enacted*, That said code shall contain the ordinance of 1787, the declaration of independence, the constitution of the United States, the act for the admission of Alabama into the Union, the constitution of Alabama, and such laws of Congress and treaties as may be of general applicability and interest to this State.

Code of practice to be prepared.

SEC. 6. *Be it further enacted*, That said board shall also prepare a code, simplifying and regulating the practice in the several courts of this State.

Code shall be submitted to the Governor, who shall examine the same.

SEC. 7. *Be it further enacted*, That so soon as either of said codes shall be complete, said board shall cause a fair and correct copy of the same to be made and submitted to the governor of this State, whose duty it shall be carefully to examine the same, and to specifically report upon the same to the succeeding general assembly, recommending such alteration (if any) as to him may seem proper.

Duty of Governor in recommending compensation.

SEC. 8. *Be it further enacted*, That it shall be the duty of the governor reporting such codes, or either of them, to the legislature to recommend such compensation for the duties performed as to him shall seem just.

Compensation may be allowed

SEC. 9. *Be it further enacted*, That said persons shall each receive for their services such compensation as the general assembly may hereafter provide.

Governor may fill vacancy.

SEC. 10. *And be it further enacted*, That should any vacancy occur in said board, from any cause, the governor of this State shall fill the same by appointment.

APPROVED 5 February, 1850.

[No. 9.]

AN ACT

To revise and amend the attachment laws of this State.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

convened, That hereafter original attachments may be sued out for any of the causes now provided by law for the issuance of ancillary attachments, and that ancillary attachments may be sued out for any of the causes now provided by law for the issuance of original attachments. Issuing attachments regulated

SEC. 2. *Be it further enacted*, That hereafter, in addition to the cases now provided by law, it shall be sufficient for the issuance of original or ancillary attachments, under the respective provisions and regulations now existing for suing out the same either that the party against whom the attachment may be prayed has fraudulently disposed of, or is about fraudulently disposing of, his property; or that he has moneys, property, or effects, liable to satisfy his debts, which he fraudulently withholds. For what additional cause they may issue.

SEC. 3. *Be it further enacted*, That no judgment shall be rendered against the defendant in attachment, in cases where a contest has arisen about the right to the property attached, or in cases when the answer of the garnishee is contested, or a transfer or assignment alledged, till such contest, or the validity of such transfer or assignment, shall be decided; unless other property, goods or effects of the defendant have been attached, about which no contest has arisen. No judgment shall be rendered in contested cases.

SEC. 4. *Be it further enacted*, That a judgment *nisi*, rendered against a garnishee, shall be sufficient to give the court jurisdiction of the cause against the defendant in attachment; but any judgment against the defendant shall be set aside and the cause dismissed if the garnishee be finally discharged, and no other property of the defendant be in the undisputed possession of the officer charged with the execution of the attachment. Effect of judgment nisi against garnishee.

SEC. 5. *Be it further enacted*, That all judgments against the garnishee shall be discharged, if final judgment be not obtained against the defendant in attachment, and the plaintiff shall pay the costs. Judgment vs. garnishee may be discharged.

SEC. 6. *Be it further enacted*, That the judgment of the court against the claimant of any property levied on, or against the garnishee, in cases where his answer is contested, or where a transfer or assignment is set up, shall give the court jurisdiction of the cause against the defendant in attachment, but the condemned property shall be restored to the claimant, and the garnishee discharged, in case no judgment be rendered against the defendant in attachment, and the plaintiff shall pay the costs. Effect of judgment of the court.

SEC. 7. *And be it further enacted*, That alias writs of attachment or garnishment, or new writs of garnishment,

Alias or new
writs may issue
in certain cases.

may issue without renewal of the bond and affidavit in cases where no property has been found, or not sufficient to satisfy the debt sued for, or where the garnishments have not been executed, or where, pending the suit, the plaintiff wishes to garnishee other persons, to be issued by the clerk in the same manner as is now provided for the issuance of alias writs of *capias ad respondendum*; and executions may issue on judgments obtained on attachments, not only against the property attached, but against all other property of the defendant, in the same manner as on judgments obtained on penal service of a *capias* or summons: *Provided always*, That not sufficient property has been siezed under the attachment to pay the debt sued for; and the clerk shall endorse on the alias attachment or execution what money was collected, or property attached, on the original process:

Proviso.

APPROVED 31 January, 1850:

[No. 10.]

AN ACT

To extend the public debt about to fall due.

Bonds to be ex-
tended and
power.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the governor of the State of Alabama, the State treasurer, and comptroller of public accounts, be and they are hereby authorised to issue State bonds, to be substituted for the extension of the State bonds heretofore issued by the State, or by the late bank, or branch banks, or any of them, of the State, payable in eighteen hundred and fifty, which said bonds to be issued and substituted as aforesaid shall be payable on the first day of April and the first day of June, eighteen hundred and seventy, and renewable at any time thereafter at the pleasure of the State.

Bonds to whom
payable and
how transferred

SEC. 2. *And be it further enacted*, That the bonds to be issued as aforesaid shall be made payable to the commissioner and trustee appointed by the State of Alabama to regulate the affairs of the banks and provide for the payment of the State bonds, and shall be transferred by him to the holders of the State bonds, due in eighteen hundred and fifty as aforesaid, in lieu of the bonds maturing in eighteen hundred and fifty, as aforesaid; the interest thereon to be paid at such place or places as the said commissioner and trustee and the holders of said bonds may agree.

SEC. 3. *And be it further enacted*, That the said commissioner and trustee be and he is hereby authorised and required to prepare and sign the necessary *coupons* for the extension of the said bonds due in eighteen hundred and fifty, corresponding with each other.

Coupons shall be prepared.

SEC. 4. *And be it further enacted*, That the powers under this act apply and extend to bonds of the State to fall due in eighteen hundred and fifty, either in London or New York.

Application of this act.

APPROVED 16 January, 1850.

[No. 11.] AN ACT

Supplementary to an act providing for a code of the statutes of Alabama and for the preparation of a code of practice in the courts of this State, passed at the present session of the General Assembly.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the commissioners who are to act under the provisions of the above recited act, be and they are hereby not only authorised and required as directed in said act thoroughly to revise, reform, simplify and arrange the various public laws of the State, but full latitude and authority are also hereby given them to complete all defective titles by adding to or subtracting from them, and, in short, they may present, at discretion and according to their sound judgment, to the general assembly, for their adoption, a body of laws perspicuous, concise, and comprehensive in style, with an arrangement so simple and natural as to be easy of consultation, and adapted to all classes and conditions of the people, as nearly as practicable, having regard for the general system or frame and true spirit of the laws as they are.

General powers of commissioners.

APPROVED 9 February, 1850.

[No. 12.] AN ACT

For the continuation of a commissioner and trustee to settle the remaining affairs of the State bank and branches; and for other purposes.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

Agency of F. S.
Lyon continued

convened, That Francis S. Lyon be and he is hereby continued as commissioner and trustee to settle the affairs of the State bank and branches from the expiration of his present term of service, as prescribed by the act of the 4th February, 1848, entitled "an act to amend and continue in force an act entitled an act to regulate the affairs of the banks and provide for the payment of the State bonds," approved 4th February, 1846, for and during the period of two years, with the same powers, under the same provisions and subject to the same regulations and restrictions as are provided by the said act of the 4th February, 1848, and the several laws in force regulating the collection of the debts due to the bank of the State of Alabama and its several branches, and prescribing the mode of settling up their affairs.

His salary.

Power to ap-
point an assist-
ant.

Proviso.

Proviso.

Shall give bond

Power to abol-
ish offices.

SEC. 2. *And be it further enacted*, That the said commissioner and trustee receive for his services as such a salary at the rate of five thousand dollars per year, and that he be authorised, whenever in his opinion the interest of the State shall require it, to designate and appoint one of the assistant commissioners to perform the duties of commissioner in his stead, and to procure the aid of a skilful and experienced accountant to keep at the seat of government a regular account of all his transactions as commissioner connected with the receipts and disbursements of moneys for the State: *Provided*, The additional expense incurred by the employment of such acting commissioner and accountant shall not exceed fifteen hundred dollars per annum: *Provided*, That should a vacancy occur in the office of commissioner and trustee, the person appointed to fill the same shall receive a salary of twenty-five hundred dollars, and no more.

SEC. 3. *And be it further enacted*, That the commissioner and assistant commissioners shall give bond with security for the faithful performance of their duties as heretofore provided by law, and the governor shall have the power of removal as provided by the act of the 4th February, 1848.

SEC. 4. *And be it further enacted*, That the said commissioner and trustee shall have the power to abolish the office of assistant commissioner, or any other office at any of said banks, whenever in his opinion the business of such bank shall be so far closed as to authorise a discontinuance of any such office, or to stipulate for the services of an assistant upon such terms as in his judgment would secure proper economy in the expenditure of the public money.

APPROVED 23 January, 1850.

[No. 13.]

AN ACT

In relation to indictments against slaves for capital offences.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter, upon any indictment against a slave for a capital offence, it shall not be necessary to aver in the indictment any ownership of the slave or slaves so indicted, or in any manner to specify the name of the person or persons to whom said slave or slaves belong.

Ownership of slave need not be alledged in indictment.

SEC. 2. *And be it further enacted,* That in the event of the conviction of any slave of a capital offence, under the laws of this State, the jury, when they retire to assess the value of the slave so convicted, as now required by law, shall also ascertain by their verdict the owner of such slave or slaves.

Duty of jury in estimating value.

APPROVED, 12 February, 1850.

[No. 14.]

AN ACT

The more effectually to suppress the evil practice of trading with slaves.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act it shall not be lawful for any licensed retailer of spirituous, or other liquors, in this State, to use or employ any slave or other person of color to aid or assist him in drawing off for sale, or in vending any spirituous, or other liquors whatever; and every person so offending shall be liable to be indicted for each and every such offence, and upon conviction shall be liable to be fined by the jury trying the same in any sum not less than twenty-five, nor exceeding one hundred dollars.

Penalty for employing slave to sell liquor.

SEC. 2. *And be it further enacted,* That it shall not be lawful hereafter for any licensed retailer, or other person in this State, to sell to any slave any spirituous or other liquors whatever, except such spirituous liquors be for the use of such owner, overseer, or agent, and be so expressed, to be in a written permission specifying the quantity, previously given to such slave; and every person so offending shall be liable to be indicted, and, on conviction, punished in the same manner and to the same extent that persons are or may be who sell spirituous or other liquors to slaves without the permission of the owner or overseer of a slave, as now required by law.

Penalty for selling to a slave without permission in writing.

APPROVED, 12 February, 1850.

[No. 15.]

AN ACT

To prevent slaves from retailing spirituous liquors, and for other purposes.

Penalty on
slaves for retail-
ing.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That it shall not be lawful for any slave to retail or sell spirituous liquors of any kind; and any slave, who shall retail or sell spirituous liquors of any kind, to any person, white or black, it shall, upon the information of any one, be the duty of any justice of the peace, in the county where the offence may be committed, to issue his warrant against said slave, and bring him or them before him for trial; and if found guilty, it shall be the duty of the justice of the peace to sentence said slave to receive thirty-nine stripes on his bare back, which shall be executed by the bailiff or arresting officer.

Penalty on li-
censed retailer
for having slave
&c. as agent to
sell.

SEC. 2. *And be it further enacted,* That it shall not be lawful for any licensed retailer in this State to have any slave, free negro, or mulattoe, for his clerk or agent, to sell or retail spirituous liquors; and any licensed retailer, or other person, who shall procure, permit, or allow any slave, free negro, or mulattoe to retail or sell spirituous liquors of any kind, in any quantities, under his license, or for him in any way, or on his premises, shall be liable to be indicted for the same, and on conviction be fined by the jury trying the same not less than fifty, and not more than one hundred dollars; and on failure to pay the fine and costs, it shall be the duty of the judge trying the case to imprison the defendant, not less than three, and not more than six months, in the county jail.

APPROVED, 11 March, 1850.

[No. 16.]

AN ACT

To prevent the seizure and sale of the persons of slaves to satisfy debts against persons to whom they may be bound for a limited time.

Sale of slaves
regulated.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter it shall not be lawful for the body or person of any slave who may be bona fide hired out for one year, or less time, to be taken by any officer, under execution or otherwise, and sold or otherwise removed from the premises or possession of the person to whom such slave is

hired, to satisfy any debt or demand whatever (in which the said owner is not also bound,) against such hirer or person having the use of such slave, without the written consent of the proper owner or agent, any law, practice, or custom to the contrary notwithstanding.

APPROVED, 9 February, 1850.

[No. 17.]

AN ACT

Providing for the more effectual prosecuting of persons trading illegally with slaves.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter on the trial of any person indicted for trading with a slave as now provided for by law, it shall not be necessary, in order to conviction, for the State to aver or prove who was the master, owner or overseer of such slave, nor that the leave or consent was not given: And in all cases proof that the person alledged to be traded with was of a black or mulatto color shall be held *prima facie* evidence that he or she was a slave.

Not necessary
in indictments
to prove or aver
name of owner.

SEC. 2. *And be it further enacted,* That proof that such slave was seen going in the night time, or on the Sabbath, into a place where spirituous liquors or merchandise are usually sold, with an article of traffic, and coming out without the same, or proof that such slave was seen in the night time, or on the Sabbath, immediately after coming out of such place, in possession of any kind of spirituous liquors, or merchandise, shall be held to be *prima facie* evidence of such illegal trading by the keepers of such place and the persons acting as his or her agents or clerks.

What consid'd
prima facie evi-
dence of trading
with slaves.

SEC. 3. *And be it further enacted,* That hereafter the solicitor's fee for prosecuting a person convicted of trading with a slave shall be twenty-five dollars.

APPROVED, 7 February, 1850.

[No. 18.]

AN ACT

Authorising the bail of slaves in certain cases.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all slaves shall, before conviction, be bailable, except for capital offences, when the proof is evident, or the presumption great.

Slaves may be
bailed.

SEC. 2. *Be it further enacted,* That the owner of such slave, or overseer of the owner, or his agent, or such person as may be entitled to the possession of such slave or slaves, shall be permitted to bail the same, in all cases deemed bailable, upon giving such bond and sureties as may be required by the judge or justice trying the same.

SEC. 3. *Be it further enacted,* That the justices of the peace of this State before commitment shall have jurisdiction to commit to jail, bail, or discharge any slave or slaves charged with any offence as the law and circumstances of the case may require.

SEC. 4. *Be it further enacted,* That the judges of the circuit and county courts of this State shall have jurisdiction on application to commit to jail, bail, or discharge any slave under the provisions of this act, notwithstanding any previous order made by any justice of the peace as the case may require.

APPROVED, 12 January, 1850.

[No. 19.]

AN ACT

To provide more accurate notice of the commitment of absconding slaves.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, in committing absconding slaves to jail, it shall be the duty of the committing justice of the peace to require such slave to state his or her name, the name and place of residence of his or her owner, and add the same in the form of a certificate to the mittimus.

SEC. 2. *Be it further enacted,* That it shall be the duty of sheriffs or jailors to insert said certificate in all advertisements of such slaves now required to be made by law.

SEC. 3. *And be it further enacted,* That it shall be the duty of the justice of the peace by whom commitment of any absconding slave is made, to send to the owner of said slave a notice in writing of the commitment, which shall contain a description of said slave, addressed to the post office of said owner; or, if that be unknown, to the county seat of the county in which said owner resides.

APPROVED, 12 February, 1850.

[No. 20.]

AN ACT

To amend the penal code of this State.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That if any person shall fraudulently alter or aid in altering any bill or note issued to circulate as money of any lawful bank or banking association of this or any other State, either by abstracting a part from such bill or note, or by incorporating therein a part or parts taken from some other bill or note, with intent to defraud thereby, such person, notwithstanding all the parts of such altered bill or note may be respectively genuine, shall be deemed guilty of forgery in the first degree, and upon conviction thereof shall be punished accordingly.

Mutilating or altering a bank bill to be deemed a forgery.

SEC. 2. *And be it further enacted,* That if any person shall be guilty of passing off, altering, giving in payment, or otherwise disposing of any such altered or falsified bank note, knowing the same to be so falsely altered, with intent to defraud, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than two years, nor more than five years.

Passing such altered notes or bills to be punished by imprisonment in the penitentiary.

APPROVED, 12 February, 1850.

[No. 21.]

AN ACT

To amend the penal code.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter, whenever any convict in the penitentiary who shall be entitled to any deduction of the term of his or her imprisonment, by reason of his or her good conduct, shall be guilty of bad conduct, it shall be the duty of the inspectors to report such bad conduct to the governor; and such convict shall, thereby, forfeit all right to such deduction, on account of his good conduct reported before; any law, usage or custom, to the contrary notwithstanding.

Convicts shall forfeit any reduction of their term if guilty of bad conduct.

APPROVED, 14 January, 1850.

[No. 22.]

AN ACT

To provide for the incorporation of companies to construct Macadamised, graded, turnpike, wooden, rail roads, or plank roads.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,*

Not less than seven persons to form a company under this act.

Notice of opening books shall be given.

Articles of association.

Powers and privileges.

That from and after the passage of this act any number of persons not less than seven may be formed into a corporation for the purpose of constructing and owning macadamised, graded, turnpike, wooden, rail roads or plank roads, by complying with the following requirements: Notice shall be given of the time and place or places where books will be opened for subscribing to the stock of such road by six advertisements in each county through which said road is intended to be constructed, and by advertisement in the nearest newspaper for the space of at least twenty days, and when after such notice stock to the amount of at least five hundred dollars for each mile of road so proposed to be constructed shall be in good faith subscribed, the said subscribers may, upon such notice as they shall agree upon, proceed to the election of directors for said company, from among whom said directors shall elect a president of said company. And thereupon they shall severally subscribe articles of association in which shall be set forth the names of the company, the time the same is proposed to continue, which shall not exceed fifty years from the date of said article, the number and amount of shares of the capital stock, the number and names of the president and directors, who shall manage the concerns of the company the first year, and who shall hold their offices until others are elected, the kind of road which they propose to make, the place from and to which the same is to be constructed, and each town, city, or village into or through which it is intended to pass, and its length as near as may be, with the residence of subscribers and the number of shares of stock taken by each; which articles of associations may, on complying with the provisions of the next section, be filed in the office of the secretary of state, and thereupon the persons who have so subscribed, and all persons who shall from time to time become stockholders in such company, shall be a body politic and corporate, by the name and style specified in such article; in which name they are and their successors and assigns shall enjoy all privileges and franchises incident to a corporation, and as such are made capable in law of purchasing, taking and holding to them, their successors, heirs and assigns, as well the capital stock and increase thereof as real and personal estate, or any interest

therein, and of selling, leasing, conveying and conferring any estate, real or personal, of whatever kind soever the same may be, of contracting and being contracted with, as natural persons, and shall have power to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any court of law or equity in this State, or elsewhere, to have and use a common seal, to alter or change the same at pleasure, to pass such by-laws, rules and ordinances for the good government of such corporation, and the same at pleasure to alter or revoke, and to organise for the purpose of business upon such plan and principles as to them may seem best, and to do all acts, matters and things necessary to carry into full and complete effect the purposes and objects of their formation: *Proviso.* *Provided,* That such by-laws, rules and ordinances shall not be repugnant to the constitution and laws of this State; and every such company shall have power to borrow money and to issue certificates or other evidences of such loans.

SEC. 2. *Be it further enacted,* That such articles of association shall not be filed in the office of the secretary of state until five per cent. on the amount of stock subscribed for shall have actually and in good faith been paid in cash to the directors named in such articles, nor until the amount of the capital stock required by the first section of this act has been subscribed, which facts shall be verified by the written affidavit of at least three of said directors, subscribed on or annexed to said articles. Articles of association to be filed with the secretary of state under certain conditions.

SEC. 3. *Be it further enacted,* That a copy of any such articles of association, filed in pursuance of this act, with a copy of the affidavit aforesaid, certified by the secretary of state, shall in all courts and places be presumptive evidence of the incorporation of such company and of the facts therein. Copy of articles of association shall be evidence of the incorporation of such company.

SEC. 4. *Be it further enacted,* That whenever any such company shall be desirous to construct a macadamised, graded, turnpike, or wooden, rail road or plank road, it shall make application to the commissioners' court of roads and revenue of the proper county for authority to lay out and construct such road, and to take the real estate and materials necessary for such purpose, which application shall set forth the kind, route of the proposed road, as described in the articles of association: *Provided,* That public notice shall be given of the time when said application will be made, in the manner prescribed in the first section of this act, for four weeks before the hearing upon the same. Application to be made to commissioners court for authority to lay out and construct road.

SEC. 5. *Be it further enacted,* That upon the hearing of the said application, all persons residing in such county and

Commissioners' court shall authorise the construction of road if the public interest will be promoted thereby.

owning real estate, through which it is proposed to construct any such road, may be heard in respect thereto; and if said court shall be of the opinion that the public interest will be promoted by the proposed construction, by an order to be entered upon the minutes of the court, such court may authorise such company to construct the road as proposed, and to take the real estate and material necessary to be used for that purpose upon the terms hereinafter designated, a copy of which order, certified by the clerk of such court, said company shall cause to be recorded in the proper office for the record of conveyances, before proceeding to do any act by virtue thereof.

SEC. 6. *Be it further enacted*, That after procuring the order aforesaid such company shall make or cause to be made an accurate survey and description of the route and of the lands and material necessary to be taken for the construction of such road, which survey shall be attested by the engineer or surveyor and recorded as prescribed in the preceding section. And if any such company shall intend to construct a road continuously in or through more counties than one, application shall be made to the commissioners' court of each county respectively, and the like proceedings had as herein provided.

SEC. 7. *Be it further enacted*, That no such road shall be laid out through any orchard to the injury or destruction of fruit trees, or through any garden, or dwelling house, or buildings connected therewith, or any yard or enclosures necessary for the use and enjoyment of such dwellings, without the consent of the owner or person controlling the same; nor shall any such company bridge any stream where the same is navigable by vessels or steamboats, or other stream, in any manner that will prevent or endanger the passage of any raft of twenty-five feet in width.

SEC. 8. *Be it further enacted*, That the route laid out and surveyed as herein provided shall be the route of such road; and such company may enter upon, take, and hold all such land and materials as may be necessary for the construction and maintainance of such road and the necessary buildings, fixtures and gates: *Provided*, Said company shall purchase the same, or shall pursuant to the provisions of this act acquire the right thereof.

SEC. 9. *Be it further enacted*, That if any owner of such lands or materials desired to be used for the construction of any such road shall be a minor, *feme covert*, or shall from any cause be incapable of selling the same, or if any such company cannot agree with the owner for the purchase thereof, or if such owner resides out of the State, or his residence is unknown, then and in all such cases it

Damages in certain cases to be determined by a jury.

Route not to run thro' orchards, &c., without permission of the owner.

Bridges.

Route laid out shall be the route of the road

shall be lawful for said company to apply to the clerk of the circuit court of the county in which said lands or materials are situated, who shall thereupon issue a writ of *ad quod damnum* commanding the sheriff to whom the same shall be directed forthwith to summon a jury of five disinterested resident freeholders of the county, who shall take an oath, to be administered by any officer authorised by law to administer oaths, that they will inquire into and to the best of their judgment assess the damages arising to the owner of such lands or materials by the proposed [road,] and shall award the damages accordingly; and such jury shall to the best of their ability describe the estate so assessed, and subscribe such assessment and description, all of which shall be returned by said sheriff to the clerk of the court from which said process issued, with his endorsement thereon; the same cost shall be allowed to clerks, sheriff and jurors as are usual in *ad quod damnum* cases. And where payment of an equivalent for damages has been previously tendered by the president and directors of any company formed under this act to the owner or person controlling such land and materials other than persons acting in a fiduciary capacity, and the assessment does not exceed the amount so tendered, said owner or persons controlling such lands or materials shall pay the cost of said writ and proceedings, and the jury shall also so enquire and return their verdict and award; upon which return as aforesaid the judge of the circuit court of said county at the next term thereafter shall cause a judgment to be entered upon the minutes of such court corresponding with such verdict and award, which judgment shall have the same lien and effect, and executions may be issued thereon in the same manner as other judgments properly returned in said court, which verdict and judgment shall vest in such corporation all the rights and privileges which may be necessary for the construction and maintaining of any such road without let or hindrance: *Provided*, That no part of this act shall authorise the taking or using any property by such corporation unless the same be previously paid for, or adequate security given for the payment thereof: *Provided always*, That if either party upon the return of such verdict and award and before the same is made the judgment of the court shall be dissatisfied with the same, such party may, upon filing bond with sufficient surety, payable to the opposite party and in such penalty as may be reasonable and just, to be approved by such clerk, be allowed an appeal to the next circuit court, where such cause shall stand for trial *de novo*, which bond and appeal shall be governed by the same rules which

How costs are
to be assessed
and collected.

Proviso.

Appeal to the
circ't court may
be taken.

Work not to be
delayed on ac-
count of appeal.

regulate appeals in other cases: *Provided*, That twenty days' notice to be served by the sheriff or coroner shall be first given to the opposite party of such appeal: *Provided further*, That if such bond shall not be filed twenty days before the next term of the circuit court as aforesaid, said cause shall stand for trial at the succeeding term thereof: *Provided further*, That if such company shall pay or offer to pay the damages assessed by the jury to the party claiming the same or to his agent or attorney, the work and operations of such company shall in no case be delayed on account of such appeal.

Any number of
assessments may
be made by the
same jury.

SEC. 10. *Be it further enacted*, That any number of assessments as herein provided may be made by the same jury and rendered in the same verdict and judgment; and if the person to whom damages have been assessed is a non-resident, or residence unknown, then said payment may be made by said company to the county treasurer for the use of the owner, subject to be drawn by the proper owner at any time.

Branch or later-
al roads may
be constructed.

SEC. 11. *Be it further enacted*, That any company formed under the provisions of this act and conforming thereto may construct branch or lateral roads by and with the consent of the commissioners' court of the proper county, and by procuring the right of way either by purchase or otherwise as prescribed: *Provided*, That in no case shall the public roads, that now are or may hereafter be established, be obstructed thereby.

Stockholders
may regulate
the time and
place of elect-
ing directors,
&c.

SEC. 12. *Be it further enacted*, That the stockholders may regulate the time, place, and mode for electing directors, creating officers, prescribing their duty, and compensation, and for fully organising the board of directors; the president and directors of any such company may prescribe the amount of each instalment, to be paid on the stock subscribed, with the time and place of payment. If a stockholder in any such company shall fail to pay the instalments as required on his or her or their stock, the president and directors thereof, upon giving thirty days' notice, may declare the stock held by such defaulting stockholder forfeited to such corporation, and upon such declaration being entered on the records of the corporation, at a meeting of a majority of the board of directors, the said stock shall inure to and become the property of such corporation.

Forfeiture of
stock for non-
payment of in-
stalments.

Erection of
bridges regula-
ted.

SEC. 13. *Be it further enacted*, That any company formed under the provisions of this act, may erect bridges over all streams of water where it may be proposed to construct a plank road, by permission of the commissioners' court of the proper county, subject to the provisions of the

seventh section of this act; and may charge reasonable toll for persons and property passing thereon; the municipal authorities of any incorporated city or town may, upon such terms as may be agreed upon, convey to any such company any lot or lots, or other portion of such city or town, deemed necessary for the proper location or construction of such road, with offices, gates or needful buildings: *Provided*, The rights of private property are secured agreeable to the intent of the preceding sections of this act. May charge toll.
Proviso.

SEC. 14. *Be it further enacted*, That the directors of every company becoming a body corporate under the provisions of this act, may construct their road of such form and materials as they may deem expedient: *Provided*, That all macadamised, graded, turnpike or plank roads, shall be so constructed as to permit carriages and other vehicles conveniently and easily to pass each other, and to pass on and off where any such road shall intersect other roads. Form and materials.

SEC. 15. *Be it further enacted*, That after the completion of three miles or more of any such macadamised, graded, turnpike or plank road, it shall and may be lawful for any such company to erect suitable gates for the detention of persons passing thereon, to secure the payment of tolls, as shall be regulated and defined by such company, and may also cause to be erected suitable buildings and establishments for toll-gatherers: *Provided*, That no toll shall be claimed or demanded from any person passing from any part of his or her farm or plantation to any other part of the same, or for the property of such person at the gate nearest his or her residence; or from persons going to, or from funerals, places of religious worship or militia musters where the person is required to do militia duty, or elections where the person is authorised to vote, or any person travelling on foot, or from persons going to or from any grist mill frequented by such persons for grinding grain for family use, or to or from a blacksmith shop where such person resorts for work to be done, or from any person going for a physician or returning therefrom, or from any one residing within one mile of the gate at which toll is demanded; and after the completion of any such rail road or any part thereof, the president and directors thereof may levy and collect reasonable tolls from all persons, property, merchandise, and other commodities transported thereon: *Provided*, That the rates of toll for passing over or transportation on said roads shall be made public, and in no case increased except at an annual meeting of the directors of the company. After the completion of three miles of a road toll-gates may be erected.
Proviso—exemptions from toll.

Penalty for avoiding the payment of toll, and for throwing down gate or injuring the road.

SEC. 16. *Be it further enacted*, That if any person shall turn off from any such macadamised, graded, turnpike or plank road, or pass any gate thereon or ground adjacent thereto and again go on said road to continue his or her route thereon with the intent to avoid the payment of toll, such person shall for each offence forfeit to such company the sum of five dollars; and any person who shall wilfully and maliciously break or throw down any gate, or injure the same on any such road, or dig up, injure or deface any such macadamised, graded, turnpike or plank road or wooden, rail road or any thing pertaining thereto, or forcibly or fraudulently pass any gate without having paid the toll required, such person for each offence shall forfeit to any such company the sum of twenty dollars, and be further subject to a suit for the damage resulting from such wrongful act; and the person or persons so offending as provided in this act, shall be liable to suit for such forfeiture or damage, and each of them, before any court in this State having jurisdiction of the amount sued for, without regard to the residence of the offender.

Stock or shares held to be deemed personal property.

SEC. 17. *Be it further enacted*, That all stock or shares held or owned by any person or persons in any such company shall be deemed and considered in law as personal property, and in case of the death of any shareholder his or her interest may be sold by his or her personal representatives in the same manner as the personal estate of deceased persons may be sold by the laws of this State.

Business and property of the company to be managed by a board of directors.

SEC. 18. *Be it further enacted*. That the business and property of such company shall be managed and conducted by a board of directors consisting of not less than five, who after the first year shall be elected at such time and place as the stockholders may prescribe, of which election such notice shall also be given, not less than twenty days, as may be prescribed by the stockholders; all elections shall be by ballot, and each stockholder shall be entitled in person or by proxy to as many votes as he shall own shares of stock. Vacancies in the board of directors shall be filled by the remaining directors. Directors shall hold their offices for one year, and until others are elected in their places. No person shall be a director unless he is a stockholder in the company, and no stockholder shall be permitted to vote at any election for directors on any stock except such as he has owned for thirty days prior to the election.

Each stockholder to have as many votes as he has shares.

SEC. 19. *Be it further enacted*, That the directors in any such company may at any time with the consent of a majority in amount of the stockholders provide for such

Capital stock may be increased.

increase of the capital stock as may be necessary to complete a road actually commenced.

SEC. 20. *Be it further enacted*, That within forty days after the formation of any company by virtue of this act, the directors then shall designate some place within a county in which according to the articles of association its road or some part thereof is to be constructed, as the office of such company, and shall give public notice thereof by advertisement in the nearest newspaper once a week for six consecutive weeks, and shall cause a copy of the same to be recorded in the proper office of record for such county; and if such office be changed, like notice of such change shall be published and filed as aforesaid, before such change shall take place; and every notice, summons or other process or paper required by law to be served on such company may be served by leaving the same at such office with any person having the charge thereof on any day, Sunday excepted.

SEC. 21. *Be it further enacted*, That the directors of any such company shall cause to be kept by the secretary, treasurer or clerk thereof a book, containing in alphabetical order the names of the president and directors, with all persons who are or shall within six years have been stockholders of such company, showing their places of residence, and the number of shares by them respectively holden, with the time when each respectively became the holder of stock; which book shall for six hours in each day, Sunday excepted, be open for the inspection of all persons who may desire to examine the same at the office of such company; and no transfer of stock shall be valid for any purpose except to render the person to whom it shall be made liable for the debts of the company according to the provisions of this act, until it shall have been entered on said book showing to and from whom and when transferred. Such book shall be presumptive evidence of the facts therein stated in favor of the plaintiff in any suit or proceeding against such company or any one or more stockholders jointly. Every officer or agent of any such company, who shall neglect or refuse to exhibit the same, or allow the same to be inspected as herein provided, shall be deemed guilty of a misdemeanor, and the company shall forfeit and pay to the party injured a penalty of fifty dollars for every such neglect or refusal, with the damages resulting therefrom; and every company that shall neglect to keep such book for inspection as aforesaid shall forfeit to the county in which said office is situated the sum of fifty dollars for every day of such neglect, to be sued for and recovered in the name of the county treasurer.

Stockholders personally liable for the payment of the debts of the company.

SEC. 22. *Be it further enacted,* That the stockholders of every company becoming corporate under this act, shall be liable in their individual capacity for the payment of the debts of such company, for an amount equal to the amount of the stock they severally have subscribed or held in such company, over and above such stock, to be recovered of the stockholder who is such, when the debt is contracted, or of any subsequent stockholder, who is assignee or transferee; and any stockholder who may have paid any demand against such company, either voluntarily or by compulsion, shall have a right of action against any of the stockholders liable to contribution, and the dissolution of any company shall not release the liability of any stockholder for debt or liabilities contracted or incurred before such dissolution.

Debts and liabilities not to exceed fifty per cent. of the amount of capital paid in.

SEC. 23. *Be it further enacted,* That the debts and liabilities of any company formed under this act shall not exceed in amount, at any one time, fifty per cent. of the amount of its capital actually paid in, and if such debts and liabilities shall at any time exceed such amount the stockholders who were such at the time any excess of debts or liabilities shall be incurred or created, shall be jointly and severally liable for such excess in addition to their individual liability as provided in this act.

Corporate capacity forfeited if the work is not commenced within two years, and ten per cent. of the capital stock has not been expended.

SEC. 24. *Be it further enacted,* That every company formed under this act shall cease to be a body corporate, if within two years from the filing of their articles of association they shall not have commenced the construction of their road, and actually and in good faith expended thereon at least ten per cent. of the capital stock of such company; and if within four years from such filing they have not in like manner expended twenty per cent. on their capital, and for a failure to expend, in the same rates, for every period of two years until such road shall have been completed as contemplated in their articles of association.

Legislature may alter or repeal.

SEC. 25 *Be it further enacted,* That the legislature may at any time alter, amend or repeal this act, or may annul or repeal any corporation formed or created under this act, or may change their corporate powers: *Provided,* That in all cases every such company shall be secured in expenditures actually made.

APPROVED, 12 February, 1850.

[No. 23.]

AN ACT

To alter and amend an act securing to married women their separate estates, and for other purposes, approved March 1, 1848.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That if any woman, before and at the time of marriage, shall have and own any property or estate, Description of property secured. whether the same be real, personal or mixed, in possession, remainder or reversion; or if any such estate shall, after marriage, by descent, gift, demise, or otherwise, accrue to any woman, all such estate and property shall be taken, held and esteemed in law as the separate estate of such woman, and for her sole and separate use, notwithstanding her coverture; and no husband shall, by his marriage, acquire a right to the property which his wife had upon his marriage, or which she may after acquire by descent, gift, demise or otherwise, except as is hereinafter provided for.

SEC. 2. *Be it further enacted,* That whenever any woman, upon or after her marriage, shall have property as Trust property. provided for in the first section of this act, or of the act to which this is an amendment, the said property shall be taken, esteemed and held as trust property, and with the exceptions hereinafter provided, the same shall be subject to and governed by all the rules of law now governing trust estates.

SEC. 3. *Be it further enacted,* That whenever any woman, upon or after her marriage, shall have property as Property to vest in the husband as trustee of the wife. provided for in the first section of this act, or of the act to which this is an amendment, the same shall vest in the husband, as the trustee of the wife; and the husband shall be authorised, so long as he may continue such trustee, under the provisions of this act, to have and possess and to control and manage all such separate estate, without liability to account to the wife, her heirs, executors, or assigns, for the rents, proceeds and profits thereof: *Provided,* Proviso — property cannot be taken for the debts of the husband. That nothing in this act contained shall be so construed as to make such separate estate, or the rents, issue, proceeds and profits thereof, liable to be taken by any legal process for the debts of the husband.

SEC. 4. *Be it further enacted,* That if any such woman shall be or shall have been abandoned by her husband, or if such husband shall be or become, by reason of imbecility, intemperance, profligacy, or any other cause, unfit or

In case of abandonment or waste by the husband, the wife may, by proceedings in chancery, be made a free dealer.

incapable of conducting and managing such separate estate, and shall be wasting or squandering the same, or the proceeds thereof, such woman, by her next friend, may file a bill in chancery to inquire into and try the facts of such abandonment, unfitness, or incapacity, and for general relief, and said bill and the proceedings thereon shall be conducted according to the rules and practice in chancery; and the chancellor shall have power, pending such bill, to provide for the safe-keeping and preservation of such separate estate, and for the support and maintenance out of the same of complainant; and on the hearing of the cause, should the allegations of the bill be established by the proofs, it shall be the duty of the chancellor to make a decree declaring such complainant a free dealer, and securing to her the possession, control and management of all such separate estate, together with the rents, issues, proceeds and profits thereof; and from and after such decree said complainant shall be capable in law and equity to sue and be sued, plead and be impleaded, contract and be contracted with, in her own name, and to purchase and hold property, real and personal, in her own name, free from the debts and contracts of her husband, and the same to sell or otherwise dispose of, and to do all other acts which a *feme sole* may of right do: *Provided*, The husband shall not be liable for any contract of fraud of hers.

Property may be sold and deeded away by the husband and wife.

SEC. 5. *Be it further enacted*, That whenever any woman, upon or after her marriage, shall have property as provided for in the first section of this act, or of the act to which this is an amendment, and such woman shall not have been declared to be a free dealer, pursuant to the provisions of the fourth section of this act, such property or any part thereof may be sold by the husband and wife and conveyed by their joint deed; and every such deed shall be executed, proved and recorded in accordance with the requirements of the laws now in force regulating conveyances of real estate; and the proceeds of every such sale shall be held and regarded as the separate estate of the wife, under the provisions of this act, and may be reinvested by the husband in the purchase of other property, or be used by him in such way as may be deemed most beneficial for the interest of the *cestui que trust*: *Provided*, Nothing in this act contained shall be so construed as to authorise the husband and wife to contract with each other for the sale and transfer of any property, real or personal.

SEC. 6. *Be it further enacted*, That whenever any money, property or estate shall be due to, or owing or coming to any

woman under the provisions of this act, or of the act to which this is an amendment, if such woman shall not have been declared to be a free dealer pursuant to the fourth section of this act, such money, property or estate may be paid to or be received by her husband, whose receipt in writing thereof [therefor] on the payment or delivery thereof, shall be deemed and held, both in law and equity, as sufficient acquittance and discharge to the person or persons paying over or delivering the same.

Receipt of the husband for money, &c. coming to the wife to be legal.

SEC. 7. *Be it further enacted*, That for all articles of family supply or used in the family, which are suitable to the estate and condition in life of the family of such husband and wife, and for which the husband would by the common law be liable, the husband shall be severally, and the husband and wife jointly liable and suable at law; and the separate estate of the wife secured to her under the provisions of this act, or of the act to which this is an amendment, shall be subject at law to all debts, contracts or engagements for such articles, by suit against her and her husband.

Husband and wife jointly liable for all necessary family supplies.

SEC. 8. *Be it further enacted*, That upon the death of any woman intestate, and having a separate estate as provided by the first section of this act, or of the act to which this is an amendment, leaving a husband living, such husband shall be entitled to one-half of such estate, absolutely, if the said estate be personal, and for his life-time, if said estate be real: *Provided*, Such husband has not been divested of all interest in and control over such separate estate by decree of the court of chancery, pursuant to the provisions of the fourth section of this act.

Upon the death of the wife, the husband entitled absolutely to half the estate if it be personal, and for his life-time, if it be real.

SEC. 9. *Be it further enacted*, That if any woman having separate estate, as provided for in this act, or in the act to which this is an amendment, shall survive her husband, and such separate estate is equal to her dower, or child's part, in her husband's estate, then she shall not be entitled to dower or child's part; but if such separate estate be less than her dower, or child's part, she shall have allotted to her as dower, or child's part, so much as with such separate estate would be equal to dower, or child's part, had there been no such separate estate.

Dower of the wife in her husband's estate.

SEC. 10. *Be it further enacted*, That the word property as used in this act shall be construed, whenever it occurs, to include all moneys, stocks, credits, or other effects.

What shall be regarded as property.

SEC. 11. *And be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Repeal.

APPROVED, 13 February, 1850.

[No 24.]

AN ACT

To enable guardians, administrators and executors to hire slaves privately.

May hire slaves
privately.

Proviso.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter guardians of minor heirs, executors and administrators of the estates of deceased persons may hire privately the negro slaves of their wards, or estates, respectively, whenever they think it best to do so: *Provided,* That guardians, executors and administrators shall account, under this act, to the judge of the orphans' court for reasonable hire, in the manner now provided by law; any law to the contrary notwithstanding.

APPROVED, 12 December, 1849.

[No. 25:]

AN ACT

To better enable tax collectors to make sales of real estate for the non-payment of taxes.

Advertisements
of collectors legal
in certain
cases.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all advertisements of real estate made by the tax collectors of this State or any of them, to subject the sale of said real estate to the payment of taxes, whether due for the years 1848 or 1849, shall be deemed legal, if so advertised at any time before the first day of March, 1850; any law to the contrary notwithstanding.

APPROVED, 11 February, 1850.

[No. 26.]

AN ACT

To change the time of paying out the interest due or hereafter due the several townships in this State on the sixteenth section fund.

Interest to be
paid annually
on 1st Decem-
ber.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all interest due or hereafter falling due the several townships in this State on the sixteenth section fund shall be paid out annually, on the first day of December, instead of semi-annually, as now prescribed by law; any law to the contrary notwithstanding.

APPROVED, 12 February, 1850.

[No. 27.]

AN ACT

To amend an act in relation to the inception of the lien in chancery attachments.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the true meaning and intent of the act passed fifth day of February, 1846, providing for attachments in chancery as to service, taken in connection with the act approved fourth of February, 1846, dispensing with a copy of the bill, shall hereafter be held and construed to be, that no copy of the bill shall, in fact, be served in attachment when it would be unnecessary in other chancery cases, and that the lien shall be perfected by service of subpœna only.

Construction of
the act of 5th of
February, 1846

APPROVED, 13 February, 1850.

[No. 28.]

AN ACT

Exempting twenty-five bushels of wheat from levy and sale by execution.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in addition to property now by law exempt from levy and sale by execution, there shall be added twenty-five bushels of wheat.

Wheat exempt
from levy and
sale.

APPROVED, 11 February, 1850.

[No. 29.]

AN ACT

To prevent fraudulent conveyances.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That every deed in trust, mortgage, or other conveyance hereafter made for the security of any pre-existing debt, whether such debt be matured or running to maturity, absolute or conditional, shall be fraudulent and void as to the creditors of the grantor, when, by the provisions of such deed, mortgage or other conveyance hereafter made, any creditor provided for thereby shall be required to make any release, or to do any other act impairing his existing rights before participating in or receiving the securities therein provided for him.

Deeds of trust,
&c. to be void in
certain cases.

Mortgages, &c.
to take effect
from the time
they are deposi-
ted for registra-
tion.

SEC. 2. *Be it further enacted*, That every deed in trust, mortgage, or other conveyance hereafter made for the security of any debt, shall only take effect from the time of its delivery into the proper office for registration.

When act takes
effect.

SEC. 3. *And be it further enacted*, That this act shall not go into effect until the first day of July next.

APPROVED, 21 January, 1850.

[No. 30.]

AN ACT

In relation to the presentation of claims against the estates of deceased persons..

Administrator
failing to give
lawful notice,
shall not bar
claims present-
ed after the ex-
piration of the
time fixed by
law for their
presentation.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That if any executor or administrator shall fail to give notice as now required by law, requiring all persons having claims against the estate of his testator or intestate to present the same within the time limited by law, a recovery on such claims shall not be barred by a failure to present the same within the time limited by law, but the same may be presented within eighteen months from the time of the giving of such notice by such executor or administrator; and every executor or administrator who shall fail to give such notice as aforesaid shall thereby forfeit any claim or right to commissions or compensation for his services.

Claimant may
file his claim in
the clerk's of-
fice.

SEC. 2. *Be it further enacted*, That any person having any claim against the estate of any deceased person may, at any time within the time limited by law for the presentation of claims against such estate, file his claim in the clerk's office of the court in which letters testamentary or of administration on such estate were granted; and such filing of such claim shall be deemed and taken as [a] due presentation of such claim to the executor or administrator, and have the same effect in all respects as a presentation to such executor or administrator in person would have.

Clerk to docket
all claims filed
in his office.

SEC. 3. *Be it further enacted*, That it shall be the duty of the clerk of such court to docket all claims so filed against any such estate, and, when required so to do, to give a receipt for or certificate of the filing of the same to the person filing the same.

Non-resident
claims to be pre-
sented in same
manner as other
claims.

SEC. 4. *Be it further enacted*, That hereafter debts contracted out of this State, and due from the estate of any deceased person, shall be presented as claims against such estate in the manner and within the time prescribed by law

for the presentation of other claims against such estate; and if not so presented, the same shall be barred from recovery as other claims are barred.

SEC. 5. *And be it further enacted*, That all laws and ^{Repeal.} parts of laws contravening the provisions of this act be, and the same are hereby repealed.

APPROVED, 5 February, 1850.

[No. 31.]

AN ACT

To form two new chancery districts.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act the ^{Counties and} counties of Conecuh, Covington, Monroe and Clarke shall ^{name of district.} form and compose one chancery district, and that the same shall be called and known as the second district of the southern chancery division of the State of Alabama; and that the second, fifth, sixth and seventh districts as now established be and the same are hereby abolished.

SEC. 2. *Be it further enacted*, That the county of Wash- ^{Washington co.} ington be transferred to and form a part of the first district ^{added.} of the said division.

SEC. 3. *Be it further enacted*, That the courts of said ^{Place and times} second district be held at Monroeville, in the county of ^{of holding the} Monroe, twice in each and every year; the first term to be ^{courts.} holden on the second Monday after the fourth Monday in May, and the second term on the third Monday of December, and said terms shall continue until the business is disposed of: *Provided*, The chancellor of said division shall have power to appoint and hold a special term of said court at such time or times as he may deem necessary.

SEC. 4. *Be it further enacted*, That the county of But- ^{Butler county} ler be transferred to and form a part of the twelfth district ^{transferred to} for the southern chancery division, at Hayneville, and that ^{12th district.} the courts for the said twelfth district be held at Hayneville, in the county of Lowndes, twice in each and every year; the first term to be holden on the fourth Monday in May, and the second term on the first Monday after the fourth Monday in November; and said terms shall continue until the business is disposed of: *Provided*, The chancellor of said division shall have power to appoint and hold a special term of said court at such time or times as he may deem necessary.

Reg'rs to transfer papers and records.

SEC. 5. *Be it further enacted*, That the registers of the several districts known as second, sixth and seventh, in said southern division, shall, as soon after the passage of this act as may be practicable, transfer to the registers of the districts established by this act all the papers on file, records and books pertaining to their respective offices, and that the registers of the said second and twelfth districts hereby established shall keep and preserve said papers, records and books as part of the files and records of their offices: *Provided*, That all the costs which have or may accrue in favor of said registers or other officers of the courts of the districts by this act abolished up to the time of said transfer shall be taxed in their favor, and shall be paid over to them whenever and by whomsoever collected.

Proviso—Costs.

Chancellor to appoint a commissioner in case there is no register.

SEC. 6. *Be it further enacted*, That in each and every county in said southern chancery division where there is no register or place of holding said court, the chancellor of said division is hereby authorised to appoint a sworn commissioner to take the depositions of witnesses in chancery causes, and that his appointment shall operate as a commission to take such depositions without any special commission issuing out of any of the courts in said division for that purpose: *Provided*, That said commissioners shall hold their office for the term of four years, unless sooner removed by the chancellor: *And provided further*, That previous to any action by said commissioners by virtue of such appointment, he shall take and subscribe before any justice of the peace or judge the following oath, to be filed with the register of the district within which he is appointed to act: "State of Alabama—I, A. B., commissioner to take the deposition of witnesses in chancery causes, do solemnly swear, or affirm, that I will truly and faithfully execute the duties of said office without fear, favor or affection, towards any of the parties in any suit wherein testimony shall be taken by me, and that I will truly and faithfully examine any witnesses coming or brought before me for examination, and truly and faithfully reduce the testimony of such witnesses to writing, to the best and utmost of my ability, so help me God:" *Provided*, Should any commissioner so appointed be of counsel or interested in the cause, or connected with any of the parties by consanguinity or affinity, then a commission to take the testimony shall issue as in other causes.

Provisos. Commissioners to hold office for four years.

Oath of commissioner.

Com. not to be interested in the cause.

Parties to file interrogatories with commissioner.

SEC. 7. *Be it further enacted*, That previous to any examination of witnesses by any of said commissioners, the party or parties desiring to examine any witness

shall file interrogatories in the usual manner with the commissioner of the county in which such witness or witnesses may reside, whereupon the said commissioner shall serve or cause to be served, within ten days after he shall receive the same, a copy of said interrogatories on the adverse party or his solicitor, who shall within ten days after such service file cross interrogatories thereto if he desires:

Provided, That the person filing the interrogatories in chief, if cross interrogatories be filed, may file rebutting interrogatories thereto, at any time before the examination of the witnesses: *And provided further*, That the interrogatories, cross interrogatories, and rebutting interrogatories, or copies thereof, shall accompany the deposition of the witnesses: *And provided also*, That objections may be made to the rebutting interrogatories after the publication of testimony, and to the cross interrogatories, if it appear there was no opportunity of making such objections before the witness or witnesses were examined: *And provided further*, That no secrecy shall be required as to the contents of the depositions or privacy in the examination, and that the parties or their solicitors may attend such examination if they see fit.

Provisos—cross
and rebutting
interrogatories.

SEC. 8. *Be it further enacted*, That the said commissioners shall be entitled to and receive the sum of two dollars and fifty cents for each witness examined, and such compensation for copies of the interrogatories and notices as is now allowed to the register for the like services.

Fees of commis-
sioner.

SEC. 9. *And be it further enacted*, That in all cases where, by an order or interlocutory decree of the chancellor, any matter or thing has been referred to any of the registers of the districts by this act abolished, the said registers shall proceed to act under such order or decree, and may retain such records and papers as may be necessary in such reference; and when the said register shall have ended and completed the matter so referred, he shall return his reports thereof and all the records and papers by him returned to the registers of the second and twelfth districts created by this act.

Duties of regis-
ters under this
act.

APPROVED, 12 February, 1850.

No. 32.]

AN ACT

To authorise the sale of the estate of deceased persons.

SEC. 1. *Be it enacted by the Senaté and House of Representatives of the State of Alabama in General Assembly convened*, That all the laws of this State respecting and

Construction of the laws in relation to sale of real estate of deceased persons for the purpose of paying debts or the more equal distribution among heirs shall include and apply to all cases where the deceased had purchased land, whether he or she had paid for or acquired title to them or not.

APPROVED, 12 February, 1850

[No. 33.]

AN ACT

To require the names of prosecutors to be endorsed on bills of indictment.

Foreman of grand jury to endorse name of prosecutor on true bills.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter, when any true bill of indictment shall be found by any grand jury, empaneled by any circuit court of this State, the foreman of said grand jury shall be, and he is hereby, required to endorse on said bill of indictment the name of the prosecutor, if any; and if there should be no prosecutor, the foreman of said grand jury shall be required to endorse on said bill of indictment, "no prosecutor;" and upon a failure to perform the duty herein required, the foreman, so failing to perform such duty, shall become liable for costs, in the same manner that prosecutors are now liable for frivolous or malicious prosecutions.

Penalty.

Judge to give this act in charge.

SEC. 2. *And be it further enacted,* That it shall be, and is hereby made the duty of the presiding judge to give this in charge to the grand juries whenever empaneled.

APPROVED, 12 December, 1849.

[No. 34.]

AN ACT

More effectually to provide for the protection of grand jurors, petit jurors and witnesses.

Excuses of jurors for non-attendance to be heard at any time.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter if any grand juror, petit juror, or witness, shall be summoned to attend any of the courts of this State, and shall fail to appear as required by said summons, it may and shall be lawful for the said jurors or witnesses, as the case may be, to make excuses for such non-attendance, either in writing under oath, or *viva voce* in

open court ; and the courts are hereby required to hear such excuses at any time they shall be offered, (unless the court shall then be engaged in the trial of a cause ;) and if the said court shall regard the excuse sufficient to release the party making the same from a fine, he shall be discharged without the payment of costs.

APPROVED, 12 February, 1850.

[No. 35.]

AN ACT

To simplify, arrange, consolidate and improve the laws authorising the evidence of witnesses to be taken by deposition.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter the testimony of certain persons Testimony of certain persons to be taken de bene esse. otherwise competent witnesses may be taken *de bene esse*, and in writing, by parties to any suit at law or matters litigated in the orphans' or probate courts; under the circumstances and in the manner following, that is to say : The party desiring the evidence, his agent or attorney, may, before some justice of the peace, judge or clerk of some of the courts, make an affidavit in writing that he believes the evidence of the witness (naming him) is material, and that some one of the following alternative reasons (specifying it) exists for taking his deposition ; that is to say, that he resides out of this State, or by reason of old age, sickness or bodily infirmity is incapable of attending court, or is under the necessity of leaving the state before the cause is likely to be tried, or is governor of the state, or secretary of the state, or treasurer, or comptroller, or chancellor, or judge of a court of record, or register in chancery, or clerk of a court of record, or president or director or other officer of a bank or branch bank in which the State is interested, or register or receiver of a land office, or some officer of the United States, or a practising physician, or attorney at law in practice, or solicitor in chancery, or constantly employed on some steamboat or other water-craft, or about the engine or other machinery of some railroad or manufacturing establishment, or resides more than one hundred miles from the court house at which the evidence is wanted, or is a female, or that the claim or defence or a material part thereof depends on the evidence exclusively of the witness named ; and in cases pending before justices of the peace,

and for sums or claims not exceeding fifty dollars before the orphans' or probate courts, that the witness resides at such a distance from the county as to render the procuring his testimony by subpoena difficult or doubtful, or greatly expensive.

On affidavit
filed *dedimus*
postestatem may
issue.

Proceedings.

When notice
shall be given.

Proceedings by
commissioner in
taking deposi-
tions.

SEC. 2. *Be it further enacted*, That on filing said affidavit a commission commonly called a *dedimus potestatem* may at the proper time be issued by the clerk of the proper court, or the justice entertaining the cause, addressed to and appointing one or more discreet persons, to be executed with or without interrogatories as the applicant may elect: if by interrogatories, the same shall be filed with the affidavit, and the party shall cause a correct copy thereof to be served on the opposite party, his agent or attorney, at least ten days previous to the issuance of the *dedimus*, within which time the opposite party may if he choose file his cross interrogatories, which, with the direct interrogatories, shall accompany and be forwarded with the commission to be issued after the lapse of the ten days as aforesaid, and the evidence only which is responsive to the direct or cross interrogatories shall be read on the trial; but if the party choose the deposition taken without interrogatories, he shall in that alternative give to the opposite party, his agent or attorney such reasonable notice of the *time* and *place* of taking the same as the judge or clerk of the court or justice may prescribe in writing on the back of the affidavit, so that the parties may have an opportunity of being present and of interrogating the witness; and if the party on whom such notice as is prescribed in this act is to be served resides out of the county and has no attorney of record or known agent therein, it shall be sufficient to file the same in the office of the clerk or of the proper justice.

SEC. 3. *Be it further enacted*, That the commissioner (one or more) when he shall have received the *dedimus* is hereby authorised and required to call and cause to come before him the witness (one or more) if there be interrogatories at such time and place as he may appoint, if without interrogatories at the time and place specified in the commission, and to administer an oath to him in the usual form to make full and true answers to the interrogatories, or to depose and speak the whole truth, &c., (as the case may be,) and shall correctly take down his answers, in the one case numbering them so as to correspond with the direct and cross interrogatories respectively, or in the other his testimony as it may be deposed or drawn out at the examination by the commissioner or parties. The commis-

sitioner shall attach and identify by suitable letters or marks all writings or papers which the witness may produce or use as evidence. If the testimony taken in either way cannot be conveniently closed on the day, the commissioner noting the same may continue from day to day, and when the evidence is closed it shall be correctly and audibly read over to the witness or be examined by himself and be by him subscribed. Then the commissioner shall under his hand and seal, below the testimony or on some convenient place in the papers, certify to the clerk of the proper court or to the justice that the evidence of the witness (or witnesses) was taken down under oath and subscribed by him in his presence at a time and place appointed by him, (specifying them) if by interrogatories; if without, at the time and place specified in the commission: then inclose the whole in compact form, sealed with three seals, with his (or their) name written across each, state the names of the parties or the cause on the outside of the envelop, and address the package to the clerk or the justice as aforesaid, and forward it, if by mail mark it on the outside *mailed* and the date; if by private disinterested conveyance mark on the outside by whom, and in either case the date, and sign his name. The clerk or justice on receiving it shall mark on the back how and when received, and file it; and the testimony thus received and regularly opened shall be read in evidence.

SEC. 4. *Be it further enacted*, That commissioners under this act are authorised to issue subpoenas for the witnesses to appear and testify before them in the cause at the time and place to be specified in the subpoena, which may be served by himself, the sheriff, or any constable of the county; and if any witness thus summoned shall make default, the commissioner shall certify that fact on the back of the subpoena, (which shall be *prima facie* evidence of all that is in or on the subpoena,) and forward the same to the proper court or justice, and he shall thereupon be proceeded against as other defaulting witnesses are.

Commissioner may issue subpoenas to witnesses.

Penalty for failing to attend.

SEC. 5. *Be it further enacted*, That witnesses who do attend and testify with or without a subpoena shall on the certificate of the commissioner (on some part of the papers of the distance travelled; number of days' attendance, ferrage, &c.) be entitled to receive the same compensation as other witnesses in the county where the suit is tried. And the commissioner shall be entitled to receive fifteen cents for each hundred words necessarily written, (to be

Compensation to witnesses.

also stated in the papers,) all of which shall be taxed in the bill of costs to be paid by the party cast in the suit.

SEC. 6. *Be it further enacted,* That a substantial compliance with the provisions of this act be deemed sufficient. *When court may require personal attendance of witnesses.* And the court may in all cases when the personal attendance of the witness is practicable and advisable, on the oath of either party showing sufficient reason in the opinion of the court, require the same in the usual way.

SEC. 7. *And be it further enacted,* That the law authorizing the governor to appoint commissioners out of the state and that of procuring the testimony of convicts in the penitentiary, or in chancery or criminal proceedings, or testimony in contested elections, and such as are local and applicable to particular counties, are hereby continued in force; but all other laws or parts of laws, so far as they contravene the provisions of this act, are hereby repealed: *Operation of certain laws. Proviso, when takes effect.* *Provided,* This act shall not take effect until the first day of March next.

APPROVED, 12 February, 1850.

[No. 36.]

AN ACT

To amend the law now in force in relation to the collection of judgments obtained against administrators and executors.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, when judgment shall be rendered in any court of record in this State against any executor or administrator as such, and execution shall have issued thereon and have been duly returned by the sheriff of the proper county "no property found," it shall be lawful and it is hereby made the duty of the clerk of the court wherein such judgment may be obtained to issue an execution against such administrator or administrators, executor or executors, commanding the sheriff or other proper officer to levy the amount of said judgment together with the costs that have accrued of the proper goods and chattels, lands and tenements of such executor or executors, administrator or administrators. *Execution returned "no property found," shall be issued vs. ex'or, adm'r, &c.*

SEC. 2. *And be it further enacted,* That in all cases where judgments may have been heretofore obtained against executors or administrators as such and executions shall issue. *On judgments heretofore rendered executions shall issue.*

thereon have been returned "no property found" by the proper officer, it shall or may be lawful for the plaintiff in such judgment, his agent or attorney to have execution issued on said judgment, to be levied of the proper goods and chattels, of lands and tenements of such administrator or administrators, executor or executors: *Provided*, That Provide. in all cases in which defences at law may be interposed under the existing laws by any executor or administrator when sued on, or for and on account of any judgment which may have been rendered against any such executor or administrator, each and every such defence may be made by remedy of *supercedeas*. *Provided further*, That the pro- Provide. visions of this act shall not extend to any suit which may have been, or hereafter be instituted in any of the United States courts in this State.

SEC. 3. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act be, and the same are hereby repealed.

APPROVED, 12 February, 1850.

[No. 37.]

AN ACT

To impose additional duties on the inspectors of the Penitentiary.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act it shall be, and is hereby made the duty of the inspectors of the penitentiary to alternate their visits to the penitentiary, so that each inspector shall visit the penitentiary once a week, making thereby three visits weekly except the week of each month when they may hold their monthly meeting, as now required by law. *Provided*, That in all in- Each inspector to visit the institution once a week. Provide: stances of necessary absence of one of the inspectors, the one absenting himself shall give timely notice of such absence to one of the others of the board of inspectors, whose duty it shall be to visit the penitentiary instead of the one absenting himself; and it is hereby made their duty to discharge faithfully, at each visit, all the duties now required by law.

SEC. 2. *And be it further enacted*, That it shall be, and is hereby made the duty of the inspectors to make all necessary examinations and enquiries, to ascertain what convict or convicts shall have remitted to him, her, or them, the two Duties of inspectors to report to the governor instead of the lessee.

months of imprisonment, as a reward for good conduct, and report the same to the governor of the State of Alabama, in place of the lessee of the penitentiary, whose duty it now is to make such report to the governor:

APPROVED, 4 February, 1850.

[No. 38.]

AN ACT

Extending the jurisdiction of the criminal court of Mobile county, and for other purposes therein named.

Prosecutor to
call on the soli-
citor.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in all cases of prosecution in the city of Mobile, or the hearing of writs of *habeas corpus* and of proceedings for commitment preliminary to trial in court, where the accused shall have counsel to resist such preliminary proceedings, the prosecutor shall be authorised to call on the solicitor to represent the state if he deem it necessary; and for such service the solicitor shall be authorised to receive a fee of five dollars in each case, to be paid by the prosecutor, which fee shall be refunded to said prosecutor if the defendant be convicted and the costs can be made of the accused.

APPROVED, 13 February, 1850.

[No. 39.]

AN ACT

To abolish the allowance of tare or gross weight on bales of unmanufactured cotton.

No deduction in
the weight of
cotton to be
made for tare.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act the custom of making a deduction from the actual weight of unmanufactured bales of cotton, as an allowance for tare or draft thereon, be and the same is hereby abolished; and that hereafter all contracts made in relation to such cotton shall be deemed and taken as referring to the true and actual weight thereof, without deduction for any such tare or draft.

Penalty for the
violation of this
act ten dollars
on each bale.

SEC. 2. *And be it further enacted,* That any purchaser or purchasers of cotton in this State who shall hereafter violate the provisions of this act, shall, on conviction thereof, before any court having jurisdiction of the same,

be fined in the sum of ten dollars for each and every bale or bag of cotton from the actual weight of which such deduction shall have been made; which money shall go to the party suing for the same: *Provided, however,* That Proviso. nothing in this act contained shall prevent the usual deduction of two pounds from being made from each bag of cotton having knobs or tugs thereon.

APPROVED, 5 February, 1850.

[No. 40.]

AN ACT

To prevent injury to plank roads and covered roads.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That any person who shall wantonly and maliciously injure or destroy any plank road or covered road constructed or to be constructed in this state, shall, upon conviction thereof, be punished by fine to an amount not less than ten nor more than one thousand dollars, and may besides be imprisoned in the county jail not more than three months, in the discretion of the court trying the cause. Injury to any road punishable by fine and imprisonment.

APPROVED, 13 February, 1850.

[No. 41.]

AN ACT

Authorising plaintiffs to renew suits in certain cases.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That where any suit commenced within the time prescribed by law in which a judgment has been or shall be rendered in favor of the plaintiff, and the same has been or shall be reversed upon error or verdict rendered therein set aside upon matter in arrest of judgment, and the plaintiff has or shall renew the said suit within one year from the reversal of such judgment or the setting aside such verdict, the plea of the statute of limitation shall not be available in bar so long as the plaintiff's right to a recovery is asserted by recommencing such suit, although more than one judgment or decree in the same cause of action has been reversed or verdict set aside as aforesaid: *Provided,* Not more than one year elapses between the setting aside Within what time suits may be renewed. When the plea of the statute of limitation shall not avail.

of the last verdict or the last reversal of such judgment and the commencement of a new suit.

APPROVED, 12 February, 1850.

[No. 42.]

AN ACT

For the relief of deaf, dumb and blind persons in the State of Alabama.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, any deaf, dumb or blind person, being a citizen of this State, shall be and he is hereby authorised to peddle any books or stationery in any part of this state free of all charges for license: *Provided,* That such person shall peddle on his own account and not as agent for another: *And provided further,* That such person shall not be permitted to form any partnership or create any agencies for such business.

Allowed to peddle without license.

Proviso.

APPROVED, 12 January, 1850.

[No. 43.]

AN ACT

To repeal the seventh section of an act to provide for the assessment and collection of taxes.

SEC. 1. *Be it enacted by the Senate and house of Representatives of the State of Alabama in General Assembly convened,* That the seventh section of "an act to provide for the assessment and collection of taxes," which reads as follows: "And be it further enacted, That in each county of the state the judges of the county courts and commissioners of roads and revenue, shall, on the first Monday in May next, and thereafter on the first Monday in January, in each year, name one assessor for the county, and one for each district; and in case of disagreement between the assessors, they shall choose an umpire," be, and the same is hereby repealed.

Repeal of the 7th section of the revenue act of 1848.

SEC. 2. *And be it further enacted,* That the comptroller of State be and he is hereby required, forthwith, on the passage of this act, to notify the clerks of the county courts of each and every county in this state.

Comptroller to give notice of the passage of this act.

APPROVED, 22 December, 1849.

[No. 44.]

AN ACT

Concerning forcible entries and detainers.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act all cases of forcible entry and detainer, forcible detainer and unlawful detainer, which may be removed to any circuit or county court pursuant to law shall be tried *de novo*, as any other cause is tried, without regarding any defect in the proceedings of the justice of the peace before whom the same was tried.

Removed to circuit or county court shall be tried *de novo*.

SEC. 2. *Be it further enacted,* That any person aggrieved by the judgment of any justice of the peace or verdict of the jury trying any such cause, shall have the right of appeal to the next circuit or county court sitting for the county in which such cause may have been tried: *Provided,* The party appealing shall first execute to such justice a bond, with good and sufficient surety, payable and conditioned as is now provided by law, in cases of the removal of the proceedings in any such cause by writ of certiorari.

Right of appeal from judgment of justice.

Proviso.

SEC. 3. *Be it further enacted,* That in every such case hereafter to be tried, it shall not be the duty of the justice to make a complete record of the proceedings; but in lieu thereof it shall be the duty of such justice to send up to the clerk a statement of the cause, as is required by the existing laws in cases of appeals from justices of the peace: *Provided,* That none of the provisions of this act shall extend to or be considered of force in the county of Mobile.

Justice shall send up a statement of the cause.

Proviso.

APPROVED, 12 February, 1850.

[No. 45.]

AN ACT

To compensate witnesses attending before grand juries.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That witnesses attending before any grand jury under subpoena or recognizance shall be entitled to the same compensation, per diem and mileage, and be paid in like manner as witnesses attending in behalf of the State in criminal prosecutions in the circuit courts: *Provided,* That no witness subpoenaed at the place and on the day he is required to attend shall be entitled to compensation unless attending more than one day: *Provided further,* That no

Before grand jury entitled to same compensation as witnesses in criminal prosecutions in circuit court.

Proviso.

witness shall be entitled to compensation for more than one case per diem for attending before a grand jury.

APPROVED, 20 December, 1849.

[No. 46.]

AN ACT

To locate lands for valueless sixteenth sections.

Preamble.

WHEREAS, by act of Congress, approved August 11th, 1848, the State of Alabama is authorised to apply certain lands theretofore granted to the said state for internal improvements to the use of schools in the valueless sixteenth sections therein; and whereas it is important that provisions be made for the location and sale of said lands: therefore—

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That any person who may wish to make a purchase of any of said lands subject to be located by this state, under the said act, shall, upon application to the comptroller of public accounts, or to any locating agent hereinafter provided for, and upon paying to the said comptroller or locating agent, or upon producing to him a certificate from the proper officer of the bank of the State of Alabama, or of either of its branches, or of the Bank of Mobile, that he had made a deposit or payment to the credit of the State, the sum of one dollar per acre for such lands as may be desired to be purchased, receive from the said comptroller or locating agent a certificate of payment for said land desired to be purchased, describing it by legal subdivision, numbers of section, township and range, and quantity of acres. And the said comptroller or locating agent shall immediately by mail or otherwise (post-paid) notify the register of the land office at which said land is subject to sale, that the State of Alabama has elected to select said lands as a portion of the lands ceded to this state by the general government, by an act of Congress approved August 11th, 1848, and upon application shall issue a duplicate of such notice for the purchaser, provided no entry shall be made of less than a legal subdivision of forty acres; and all sales shall be made by legal subdivisions.

SEC. 2. *Be it further enacted,* That when there shall be a settlement or improvement upon any of said land proposed to be purchased under this act, the applicant shall deposit the purchase money for said land and file an affidavit

subscribed before a justice of the peace, or any judge of any court of this state, that he has given written notice to such settler or owner of said improvement that at the expiration of thirty days from said notice application would be made to purchase said land; and if said owner or settler does apply and make payment, as herein before required, within the said thirty days, then he or she shall have a right of pre-emption to said land; if not, a certificate of purchase shall issue to said applicant; should said affidavit be knowingly false, the applicant shall be deemed guilty of perjury.

When improvements are on land, persons wishing to purchase must give written notice to the settler or owner of such improvement.

SEC. 3. *Be it further enacted*, That for the purpose of facilitating the location and sale of said lands, and for the convenience of the citizens of the state, the governor shall appoint a locating agent at the land offices at Lebanon and Huntsville, and at such other land office in the State as he may deem the public interest shall require, to perform the duties required in the first section of this act, and who shall have power and authority to transfer in said land office the land located as aforesaid to the purchaser thereof, who, as assignee of the State, may receive a patent therefor from the general government.

Governor to appoint locating agents at Lebanon and Huntsville, &c.

SEC. 4. *Be it further enacted*, That the comptroller and locating agents as aforesaid shall each keep a well bound book, in which shall be registered a full and correct account of all lands by them severally located and sold under the provisions of this act, after the manner and style of the book kept by the register of the land office in this state, and shall receive and account for all such sums of money as may be paid them for such sales. Every locating agent appointed as aforesaid shall, before entering upon the duties of his office, give bond and security, payable to and to be approved by the governor of the state, in such sums as he may require, conditioned for the faithful performance of all the duties required of such agent by this act; and it shall be a further duty of said locating agents each to make monthly returns of all lands by them located and sold as aforesaid to the comptroller of public accounts, which said comptroller shall record in the book by him to be kept as aforesaid; and whenever it shall appear that one hundred thousand acres of land shall have been located and sold as aforesaid, then said books shall be closed and the duties of said locating agents shall cease. Such agents shall quarterly, or oftener if so required by the said comptroller, make deposits of the money by them severally received in either of the aforesaid banks or branches, or such other place as said comptroller may direct.

Comptroller & locating agents to keep books in which shall be entered all land located and sold by them under this act.

Locating agents to give bond to the governor and to make monthly returns to the comptroller.

SEC. 5. *Be it further enacted,* That the said comptroller and locating agents shall be authorised to charge and receive for their services two per cent. upon the amount of sales of lands by them located and sold, to be paid by the purchaser, who shall also pay all fees due by law to the registers and receivers at the land offices for services by them performed under the said act of Congress.

SEC. 6. *And be it further enacted,* That should any lands sold under this act not be subject to location under said act of Congress, or should the State fail to secure to any purchaser titles to the lands sold, then the purchase money shall be refunded upon the surrender of the certificate of purchase to the said comptroller.

APPROVED, 13 February, 1850.

[No. 47.]

AN ACT

To amend an act to regulate permanently the sixteenth section fund, approved March 6th, 1848.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act it shall and may be lawful for all and every person or persons who may be indebted on account of the sixteenth sections situated in this state, to make payment of the sum or sums of money due by them or either of them to the assistant commissioner of the bank of the State of Alabama, or either of the branches thereof, by a deposit of the proper amount of the debt and interest, to the credit of the comptroller, in such bank or branch bank, and the said assistant commissioner shall give a receipt for such payment and inform the comptroller thereof; whereupon, the comptroller shall charge the said bank or branch bank with the amount, and deliver the note so paid to the principal therein, or to his order, with his endorsement thereon that the same has been paid: *Provided,* That the debtors to sixteenth sections who may avail themselves of the provisions of this act shall first pay all costs that may have accrued on such debt or debts, if sued on, and also pay to the assistant commissioner a sum sufficient to defray the expenses of postage on the correspondence between the said assistant and the comptroller: *And provided further,* That this act shall only be and continue in force during the time the said bank or branch banks may be continued in their

Fees of comptroller and agents to be paid by the purchaser.

Purchase money to be refunded in certain cases.

To whom and in what way debtors may make payments for 16th sections

Proviso—Debtors to pay all costs and postage.

Proviso—Length of time this act shall continue in force.

present locations for the settlement and liquidation of their affairs.

APPROVED, 13 February, 1850.

[No. 48.] AN ACT

To explain and modify the act entitled an act to regulate permanently the sixteenth section fund.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of the treasurers of the several counties in this state to pay over, as now provided by law, whatever sum or sums of moneys that may be placed in their hands belonging to the sixteenth section fund free of any charge whatsoever, as an *ex officio* duty. Duties of county treasurers.

APPROVED; 9 February, 1850.

[No. 49.] AN ACT

To provide for the selection of school lands in lieu of sixteenth sections in the Chickasaw purchase.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the provisions of an act entitled an act to provide for the selection of certain school lands in lieu of the sixteenth sections in the Chickasaw purchase in Alabama, approved 4th March, 1848, be and the same are hereby revived, extended and continued in force for the purposes in said act named; and shall so continue in force until selections are made of all the lands contemplated or intended to be selected under said law. Act of 4th of March, 1848, revived.

APPROVED, 5 January, 1850.

No. 50.] AN ACT

To amend an act entitled an act to reform the evils arising from local legislation.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the first proviso in the second section of "an act to reform the evils of local legislation," approved the Amendment to the first proviso of the act.

third of March, 1848, and which reads "that said inhabitants, by proceedings of a corresponding kind, may also alter and amend such corporate powers," be amended by adding the words "or other corporate powers hitherto-granted by an act of the general assembly."

APPROVED, 12 February, 1850.

[No. 51.]

AN ACT

Authorising judges of the county courts in vacation to grant tavern licenses.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act it may be lawful for the judges of the county court for the several counties in this state in vacation to grant licenses to tavern keepers, on their complying with the requisitions as now prescribed by law.

APPROVED, 11 February, 1850:

[No. 52.]

AN ACT

In relation to dower:

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That when any widow hereafter shall file her petition to have allotted to her her dower in the lands, tenements and hereditaments of her deceased husband, pursuant to the existing laws, it shall and may be lawful to embrace in such petition all the lands in which such dower is claimed, whether the same is lying, being and situate in one or more counties of this state; and the sheriff and commissioners appointed to allot and set off to such widow her dower shall, and they are hereby authorised and required to allot and set off the same in all the lands that may be embraced in such petition, whether lying in one or more counties, and such dower shall be allotted and set apart pursuant to the requisition of the existing laws, as applicable to lands lying in one county: *Provided,* The provisions of this act shall not embrace lands sold by the husband during his life time to which the widow had not relinquished her dower.

Petition for
dower may em-
brace all lands
in which dower
is claimed.

Proviso.

APPROVED, 12 February, 1850:

[No. 53.]

AN ACT

An act to amend the laws in relation to dower.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter, whenever it may become necessary for any executor or administrator to sell any lands belonging to his testator or intestate, in and to which the widow of such testator or intestate is entitled to dower, either for the purpose of paying the debts of such testator or intestate, or for a more fair, equal and beneficial division of the same, and said lands cannot be divided so as to allot the dower to said widow, or where such allotment would work injustice to the estate, it shall be and it is hereby made lawful for such widow, so entitled to dower, to file in the orphans' court having jurisdiction a written relinquishment of dower in such lands, duly acknowledged before any officer of this state empowered by law to take the acknowledgment of deeds; and the judge of said court upon the filing of such relinquishment shall have the power, and it is hereby made his duty to direct in his order that the whole of said lands be sold, including the dower interest, as fully as if there had been no widow.

How widows may relinquish dower in certain land to be sold.

SEC. 2. *Be it further enacted,* That whenever any widow entitled to dower as aforesaid shall relinquish her right thereto as directed in the first section of this act, it shall be the duty of the judge of said court, so soon as the executor or administrator shall make a report of such sale, or so soon thereafter as application shall be made by said widow, her agent or attorney, to adjudge to said widow such part of the purchase money of said lands as he shall be satisfied by proof will be a fair and equitable equivalent therefor, and to make an order upon the minutes of his court directing such executor or administrator to pay the amount so adjudged to said widow. *Provided, however,* That when said lands are sold on a credit, the executor or administrator shall not be required to pay the same until such time after the purchase money therefor may fall due as said judge in his discretion may think will afford a reasonable time for the collection of the same.

Widow shall have her portion of the proceeds of such land sold.

SEC. 3. *Be it further enacted,* That any executor or administrator who shall fail or refuse to pay to any widow any moneys to which she may be entitled under the provisions of this act, within the time directed by the judge of the court having cognizance thereof, he shall, upon complaint being made to said judge by said widow, her agent

Penalty on executor or administrator failing to pay widow her portion.

or attorney, be subject to the same proceedings and penalties as are now prescribed by law for coercing the payment of legacies and distributive shares illegally withheld.

Repeals. SEC. 4. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act be, and the same are hereby repealed.

APPROVED, 12 February, 1850.

[No. 54.]

AN ACT

To provide for burning certain notes or bills of the State bank and branches, as therein specified.

Mutilated State bank bills to be burned. SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioner and trustee of the state bank and branches, with the governor, secretary of state, comptroller of public accounts and state treasurer, shall, at some convenient time, as early as practicable, after having the same properly registered, in suitable books, to be deposited in the comptroller's office for safe keeping, burn such notes or bills of the state bank and branches as are so mutilated or defaced as to be unfit for further circulation; and the said officers, hereinbefore mentioned, or a majority of them, including the governor and commissioner and trustee of the banks, shall be present at any burning that takes place, as herein provided; and those present shall sign and certify to register of notes burned.

APPROVED, 26 January, 1850.

[No. 55.]

AN ACT

To change the name of the criminal court of Mobile county.

Name changed to the city court of Mobile. SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the criminal court of Mobile county shall be hereafter known and designated by the name and style of "The City Court of Mobile." The judge of said court shall be known by the name of the judge of the city court of Mobile, and the seal of said court shall be altered accordingly: *Provided,* That this act shall go into effect on the day when jurisdiction in civil cases shall attach to said court as provided by the act for the establish-

Proviso, when this act shall go into effect.

ment of probate courts at the present session of the general assembly: *And provided further*, That this change of name shall not affect the validity of any proceeding of said court whatever, nor of its jurisdiction, powers or authority.

Change of name not to affect the validity of any proceeding.

APPROVED, 12 February, 1850.

[No. 56.]

AN ACT

To repeal an act entitled "an act to provide for the inspection of bagging and rope."

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That all the above recited act except the fifteenth section thereof be and the same is hereby repealed. *Provided*, That this act shall not operate so as to impair the rights or release the liabilities of any person or persons which may have accrued during the existence of the act hereby repealed.

Repeal of the act except the fifteenth section. Proviso.

APPROVED, 7 January, 1850.

[No. 57.]

AN ACT

To provide for the registration and safe disposition of the unsold state bonds.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be the duty of the state treasurer to enter in a well bound book, to be kept in his office, all the legible state bonds which have been or may hereafter be found undisposed of.

Treasurer to enter bonds in a book.

SEC. 2. *Be it further enacted*, That the treasurer shall classify all said bonds and write the word "cancelled" across the face of each bond, and also across the face of each coupon thereto attached, and then enter a full copy of one of each class on his book, and shall register the number, date and amount of each bond in numerical order, with a sufficient blank opposite each number, in which may be entered the final disposition which is made of each bond respectively.

Bonds to be classified and marked "cancelled."

SEC. 3. *Be it further enacted*, That when said bonds are so registered it shall be the duty of the treasurer, commissioner and trustee, to select such of said bonds as have

Some of the bonds to be preserved and others burned. been heretofore sold, and the said commissioner and trustee shall file them for safe keeping; and the residue of said bonds said treasurer and commissioner shall burn in the presence of the governor and comptroller, and the governor shall report the same to the next ensuing session of the General Assembly.

APPROVED, 12 February, 1850.

[No. 58.]

AN ACT

To attach a part of the county of Tuskaloosa to the county of Walker, and to create a certain county therein named.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act sections number thirty, thirty-one and thirty-two, in township eighteen, and range eight, west, heretofore a part of the county of Tuskaloosa, shall constitute and form a part of the county of Walker.

SEC. 2. *Be it further enacted,* That all that portion of the county of Walker lying north of a line dividing equally township number twelve, east and west, shall form and be created into a separate county, to be called Hancock.

SEC. 3. *Be it further enacted,* That John Hill, John W. Blackwell, Oran Davis, John Jones, James Vest, Daniel Speigles and John Cargell be and they are hereby appointed commissioners for the organization of said county.

SEC. 4. *Be it further enacted,* That it shall be the duty of said commissioners to superintend an election which shall be held at the several election precincts in the county hereby created, on the first Monday in August next, for the purpose of electing a sheriff, a clerk of the circuit court, a clerk of the county court, a tax collector, and four commissioners of revenue and roads, which election shall be conducted as elections for the same officers are conducted in the other counties of this State.

SEC. 5. *Be it further enacted,* That it shall be and is hereby made the duty of the commissioners appointed by the third section of this act, at least twenty days before the election, for county officers herein provided for, to select two sites for the location of the seat of justice of said county, which said sites or places shall not be nearer than six miles to each other, nor more than ten miles from the centre of said county; and shall name or designate each

of said places so they may be known separately ; and it shall be the duty of said commissioners to open and hold an election, at the same time and places of holding elections for county officers, for the election of one of the places so selected ; and the place receiving the greatest number of votes shall be the permanent seat of justice of said county of Hancock.

SEC. 6. *Be it further enacted*, That the commissioners' court of roads and revenue of said county shall have power to levy taxes in said county for county purposes in the same manner that taxes for county purposes are levied in other counties in this state. County taxes.

SEC. 7. *And be it further enacted*, That all officers, civil and military, in office in said county shall hold their respective offices for the terms for which they were severally elected. Term of office.

APPROVED, 12 February, 1850.

[No. 59.] AN ACT

To attach the county of Hancock to the fourth judicial circuit and for other purposes.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the county of Hancock shall be attached to the fourth judicial circuit, and the circuit courts of said county shall be holden on the fourth Monday after the fourth Mondays in March and September in each and every year, and continue one week; and said county shall be attached to and constitute a part of the thirtieth chancery district of this state. Time of holding circuit court.

APPROVED, 13 February, 1850.

[No. 60.] AN ACT

To reduce the salvage on coal boats.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*; That hereafter if any flat boat loaded with coal shall be found afloat in any of the rivers or navigable streams of this state without being in charge of the owner or his agent, it shall be lawful for any person to secure the Persons securing a coal boat found afloat to receive five cents per barrel on its coal.

same by cabling or otherwise until the same shall be demanded by the owner or his agent, and upon such demand the person so securing said boat shall receive five cents per barrel for the coal with which said boat may be loaded, and shall be authorised to retain the possession of the boat until the money is paid.

Repeal. SEC. 2. *And be it further enacted,* That all laws and parts of laws conflicting with the provisions of this act be and the same are hereby repealed.

APPROVED, 7 February, 1850.

[No. 61.]

AN ACT.

To abolish and establish certain election precincts:

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the following election precincts be and they are hereby established at the places following, to-wit:

Established.

Pike.

At the house of John McBryde, in the county of Pike.
At the town of Orion, in the county of Pike.

Choctaw.

At Hopewell church, near Findley, in the county of Choctaw.

At Big Rock, in the county of Choctaw.

At the town of Butler, in the county of Choctaw.

Limestone.

At the house of Josiah Daley, in the county of Limestone.

Pickens.

At the house of J. H. Vails, in the county of Pickens.

Sumter.

At the house of Daniel Wood, in the county of Sumter.

Blount.

At the house of Lewis White, in the county of Blount.

Choctaw.

At the house of Ed. Dennis, in the county of Choctaw.

At the house of John Baskin, in the county of Choctaw.

Sumter.

At Brewersville, in the county of Sumter.

At New York, in the county of Sumter.

Tallapoosa.

At Hiram Haynes', in the county of Tallapoosa.

St. Clair.

At Green's Port, in the county of St. Clair.

Bibb.

At Scott's factory, in Bibb county.

Franklin.

At Allsborough, in Franklin county.

Morgan.

At John Bodey's, in Morgan county.

Chambers.

At Kendall's cross roads, in Chambers county.

At the house of Robert Owens, in Chambers county.

At the house of Jesse Fitzpatrick, in Chambers county.

Lauderdale.

At the house of Elbert Spain, in Lauderdale county.

Tuscaloosa.

At the house of George Collins, in Tuscaloosa county.

Macon.

At William Jenk's cross roads, in Macon county.

At Pennington's mills;

- At Matthew Hester's, in Fayette county. Fayette.
- At Prattville, in Autauga county. Autauga.
- At Tallahatta springs, in Clarke county. Clarke.
- At the house of Gen. M. Malone, in Washington county. Washington.
- At the house of William Stokes, Village Springs, in Blount county. Blount.
- At the house of Thomas Simpson, in Tuscaloosa county. Tuscaloosa.
- At Buford's store, in Montgomery county. Montgomery.
- At Josiah Martin's, in the county of Franklin. Franklin.
- At the house of Mathews and Powell's store, in the county of Pike. Pike.
- At Friendship meeting house, in the county of Wilcox. Wilcox.
- At or near William R. Summerlin's at a house to be built on the north-west fourth of the south-west quarter of section number ten, range eighteen, township eleven, in Lowndes county.
- At the house of Daniel McDuffee, in the county of Covington. Covington.
- At the house of John B. James, in the county of Barbour. Barbour.
- At the house of Josiah Kirklin, in the county of Henry. Henry.
- At the house of Robert Collins on Eight Mile creek road, north of the city of Mobile. Mobile.
- At the house of Joseph Freeland's, in the county of Jefferson. Jefferson.
- At the house of Lewis W. Herrings, in the county of Jefferson. Jefferson.
- At the house of Doctor Samuel Parsons, in the county of Jefferson. Jefferson.
- At the store of William Holly, in the county of Coffee. Coffee.
- At the house of Isaac Farris, in the county of Perry. Perry.
- At the house of Thomas Harrison, in the county of Coffee. Coffee.
- At the house of James Landsome, in the county of Coffee. Coffee.
- At William Jenks' cross roads, in the county of Macon. Macon.
- At Ingram's cross roads, in the county of Lauderdale. Lauderdale.
- At Richmond P. Hughs', in the county of Perry. Perry.
- At King's post office, in the county of Barbour. Barbour.
- At the store of R. G. Young, in Tallapoosa county. Tallapoosa.
- At the blue pond meeting house on the Sand mountain, in DeKalb county. DeKalb.
- At Chickasaw, in Franklin county. Franklin.
- At the house of John Floyd, in the county of Dale. Dale.
- At Tallassee factory, in Tallapoosa county. Tallapoosa.
- At Asa M. Mitchell's, in Pickens county. Pickens.
- At Tarr's, Tuscaloosa county. Tuscaloosa.

Greene.	At Garrett's shop, in Greene county.
Franklin.	At John Holland's, in Franklin county.
Pike.	At Stony Point academy, in Pike county.
Wilcox.	At the store of James B. Pharr, in Wilcox county.
Madison.	At David McJeehaney's, in the county of Madison.
Cherokee.	At Billingsly's mills, in Cherokee county.
	At Newburry's mills, in Cherokee county.
Abolished.	SEC. 2. <i>And be it further enacted,</i> That the following election precincts be and they are here abolished at the following places, to-wit:
Pike.	At the house of James E. Allen, in the county of Pike.
	At the house of James Chandler, in the county of Pike.
Choctaw.	At Mount Sterling, in the county of Choctaw.
	At the house of James Y. Conturs, in the county of Choctaw.
Limestone.	At the house of George Johnson, in the county of Limestone.
Pickens.	At the house of Thomas Arnold, in the county of Pickens.
Choctaw.	At the store of Mr. Nettles, in the county of Choctaw.
Sumter.	At the store of Mr. Rosser, in the county of Sumter.
	At Milton's, in the county of Sumter.
	At Yarbrough's, in the county of Sumter.
Morgan.	At Bluff Springs, in the county of Morgan.
	At the house of Charles Roger, in the county of Morgan.
Tuscaloosa.	At Obadiah Cooper's, in Tuscaloosa county.
St. Clair.	At Shadrick Moress's, in St. Clair county.
Chambers.	At Lemuel Dawson's, in the county of Chambers.
Blount.	At the house of J. J. Posey, in Blount county.
Tuscaloosa.	At the house of Elijah Roberson, in Tuscaloosa county.
Franklin.	At the house of Vinson, in Franklin county.
Wilcox.	At the house of Joel Dumas, in Wilcox county.
	At Keyler's, in Wilcox county.
Covington.	At the house of Charles Barnes, in the county of Covington.
Madison.	At Petty's, in the county of Madison.
Barbour.	At Faulk's, in the county of Barbour.
Henry.	At John Williams', in the county of Henry.
Jefferson.	At Barron's old store, in the county of Jefferson.
	At Cameron's old store, in the county of Jefferson.
Coffee.	At Old Town, in the county of Coffee.
Perry.	At Thomas Gody's, in the county of Perry.
Coffee.	At George Barker's, in the county of Coffee.
	At the mouth of Flat creek, in the county of Coffee.
Lauderdale.	At Murnnser, in the county of Lauderdale.

At Ford's mill, in the county of Perry.	Perry.
At Richards', in the county of Barbour.	Barbour.
At Youngsville or the Georgia store, Tallapoosa county.	Tallapoosa.
At Samples' old field, in Montgomery county.	Montgomery.
At Blocker's, in Tuscaloosa county.	Tuscaloosa.
At the house of Absalom Foster, in the county of Choctaw.	Choctaw.

APPROVED, 12 February, 1850.

[No. 62.]

AN ACT

To divorce Sarah A. Bennett from her husband Stephen R. Bennett.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Sarah A. Bennett be and she is hereby divorced from her husband, Stephen R. Bennett, in pursuance of a decree of the chancery court for the twenty-second district of the middle division, at July term, 1848.

APPROVED, 6 December, 1849.

[No. 63.]

AN ACT

To divorce certain persons therein named.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in pursuance to decrees of the several courts of chancery in this State, hereinafter mentioned, the bonds of matrimony heretofore solemnised and subsisting between the following named persons, be and the same are hereby dissolved and annulled, viz :

That James Nance be divorced from his wife, Seleta Nance, in pursuance to a decree of the chancery court for the 39th district northern division, at the July term of said court, 1849.

That Ezekiel Cooper be divorced from his wife, Sena Cooper, pursuant to a decree of the chancery court for the middle division of the state of Alabama, at the May term of said court, 1849.

That Sophronia J. Bates be divorced from her husband, Joseph V. Bates, pursuant to a decree of the chancery court for the 16th district, middle division, at the November term of said court, 1849.

Richart from
Richart.

That Jane Richart be divorced from her husband, Clement Richart, in pursuance with a decree of the chancery court for the 2d district, southern division, at a special term of said court, 1849.

Richardson
from Richard-
son.

That Christopher Richardson be divorced from his wife, Clarissa Richardson, in pursuance with a decree of the chancery court for the 8th district, southern division, at the November term, 1849.

Claffy from
Claffy.

That Sarah H. Claffy be divorced from her husband, Matthew Claffy, in pursuance with a decree of the chancery court for the 17th district, middle division, at the May term of said court, 1849, and that her name be changed from Sarah H. Claffy to Sarah H. Callaway.

Jerry from Jer-
ry.

That Delila Jerry be divorced from her husband, Edwin Jerry, in pursuance with a decree of the chancery court, 10th district, southern division, at the ———— term of said court, 1849.

Kline from
Kline.

That Lewis Kline be divorced from his wife, Elizabeth Ann Kline, in pursuance with a decree of the chancery court for the 2d district, southern division, at the special August term of said court, 1849.

Pearce from
Pearce.

That Elizabeth J. Pearce be divorced from her husband, William Pearce, in pursuance with a decree of the chancery court for the 7th district, southern division, at the October term, 1848.

Shiver from
Shiver.

That Jacob Shiver be divorced from his wife, Arcadia Shiver, in pursuance with a decree of the chancery court for the 8th district, southern division, at the November term, 1849.

Jones from
Jones.

That Parthenia J. Jones be divorced from her husband, Alfred M. Jones, in pursuance with a decree of the chancery court for the 31st district, northern division, at the May term, 1849.

Rook from
Rook.

That Henry Rook be divorced from his wife, R. A. J. Rook, in pursuance with a decree of the chancery court of of the 39th district, northern division, at the June term, 1849.

Park from
Park.

That Louisa L. Park be divorced from her husband, John G. Park, in pursuance with a decree of the chancery court of the 16th district, middle division, at the October term, 1849.

Guthrie from
Guthrie.

That Robert Guthrie be divorced from his wife, Elizabeth Guthrie, in pursuance with a decree of the chancery court for the 10th district, southern division, at the November term, 1849.

Bettencourt
from Betten-
court.

That Elizabeth Bettencourt be divorced from her husband, Joseph M. Bettencourt, in pursuance with a decree

of the chancery court, for the 1st district, southern division, at the April term, 1849.

That Laura E. Martiniere be divorced from her husband, ^{Martiniere from} Julius A. Martiniere, in pursuance with a decree of the chancery court for the 15th district, middle division, at the October term, 1849.

That James Franklin be divorced from his wife, ^{Franklin from} Nancy E. Franklin, in pursuance of a decree of the chancery court for the 40th district, northern division, at the July term, 1849.

That Susan West be divorced from her husband, ^{West from} Joshua West, in pursuance with a decree of the chancery court for the 33d district, northern division, at the the May term, 1849.

That Rebecca May Bass be divorced from her husband, ^{Bass from Bass.} Charles L. Bass, in pursuance with a decree of the chancery court for the 2d district, southern division, at the special August term, 1848.

That Lucius Sanders be divorced from his wife, ^{Sanders from} Leonora Sanders, in pursuance with a decree of the chancery court for the 14th district, middle division, at the May term of said court, 1849.

That Elenor Brown be divorced from her husband, ^{Brown from} Jarrett Brown, in pursuance with a decree of the chancery court for the 24th district, middle division, at the July term of said court, 1848.

APPROVED, 18 December, 1849.

[No. 64.]

AN ACT

To divorce certain persons therein named.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in pursuance to decrees of the several courts ^{Divorce.} of chancery in this state hereinafter mentioned, the bonds of matrimony heretofore solemnized and subsisting between the following named persons be, and the same are hereby dissolved and annulled, viz :

That Rebecca Oats be divorced from her husband ^{Oats from Oats} James Oats, in pursuance with the decree of the chancery court for the 15th district, middle division, at the May term of said court, A. D. 1849.

That John Whitfield be divorced from his wife ^{Whitfield from} Martha Ann Whitfield, in pursuance with the decree of the chan- ^{Whitfield.}

cery court for the 31st district, northern division, at the May term of said court, A. D. 1849.

Hooper from
Hooper. That Parker A. Hooper be divorced from his wife Mary Hooper, in pursuance with the decree of the chancery court for the 38th district, northern division, at the June term of said court, A. D. 1849.

Fielder from
Fielder. That N. W. Fielder be divorced from his wife Odecia Fielder, in pursuance with the decree of the chancery court for the 38th district, northern division, at the June term of said court, A. D. 1849.

McCoy from
McCoy. That Wiley S. McCoy be divorced from his wife Cythia McCoy, in pursuance with the decree of the chancery court for the 8th district, southern division, at the November term of said court, A. D. 1849.

Dean from
Dean. That Alexander L. Dean be divorced from his wife Elizabeth Dean, in pursuance with the decree of the chancery court for the 38th district of the northern division, at the June term of said court, A. D. 1849.

Roberts from
Roberts. That Wade H. Roberts be divorced from his wife Ananah Roberts, in pursuance with the decree of the chancery court for the 2d district, southern division, at the August term, 1849, of said court.

Loving from
Loving. That Lydia Loving be divorced from her husband Tennessee Loving, in pursuance of the decree of the chancery court for the 28th district, northern division, at the May term of said court, 1849.

Shehane from
Shehane. That Nancy Shehane be divorced from her husband Bartholomew Shehane, in pursuance with the decree of the chancery court for the 17th district, middle division, at the May term of said court, A. D. 1849.

APPROVED, 5 January, 1850.

[No. 65.]

AN ACT

To divorce Isaac Teague from his wife Delila Teague.

Teague from
Teague. SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the bonds of matrimony heretofore subsisting between Isaac Teague and his wife Delila Teague be and the same are hereby forever dissolved, so far as the said Isaac Teague is concerned, pursuant to a decree of the chancery court for the thirty-eighth district of the northern chancery division of Alabama, rendered at the June term, 1849, of said court.

APPROVED, 7 February, 1850.

[No. 66.]

AN ACT

To divorce the persons therein named.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in pursuance to the several decrees of the chancery court of this state, held in the 29th district and northern division; and rendered at the May term thereof, 1849, the bonds of matrimony heretofore solemnized and subsisting between the following named persons be, and the same are hereby dissolved and annulled, viz :

That John G. Sharp* be divorced from his wife Nancy Sharp. Sharp from
Sharp.

That William F. Ricks be divorced from his wife Olivia Ricks. Ricks from
Ricks.

That John Morrow be divorced from his wife Dicey Morrow. Morrow from
Morrow.

And that John A. Willis be divorced from his wife Polly Willis. Willis from
Willis.

APPROVED, 7 February, 1850.

*In the engrossed bill the name is given as Tharp.

[No. 67.]

AN ACT

To divorce Lorenzo D. Deen from his wife Martha Deen.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Lorenzo D. Deen be divorced from his wife Martha Deen, in pursuance with the decree of the chancery court for the sixth district, southern division of said court at the extra term thereof, 1849. Deen fr'm Deen

APPROVED, 9 February, 1850.

[No. 68.]

AN ACT

To divorce certain persons therein named.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in pursuance to decrees of the several courts of chancery in this state hereinafter mentioned, the bonds of matrimony heretofore solemnized and subsisting between the following named persons be and the same are hereby dissolved and annulled, viz :

That Daniel M. Dodson be divorced from his wife Elmira P. Dodson, in pursuance with the decree of the Divorce.
Dodson fm Dodson.

chancery court for the thirty-ninth district of the northern division, at the February term of said court, A. D. 1848.

Sides fm Sides. That Alfred Sides be divorced from his wife Malinda Sides, in pursuance with the decree of the chancery court of the twenty-fifth district, middle division, at the June term, 1849.

McRae fm Mc-Rae. That Alexander D. McRae be divorced from his wife Mary Ann McRae, in pursuance with the decree of the chancery court of the ninth district, southern division, at the November term thereof, 1848.

Winston from Winston. That John A. Winston be divorced from his wife Mary W. Winston, in pursuance with the decree of the chancery court of the third district, southern division, at the special December term thereof, 1849.

Gwinn from Gwinn. That John P. Gwinn be divorced from his wife Sarah Gwinn, in pursuance with the decree of the chancery court of the sixteenth district, middle division, at the October term thereof, 1849.

Dyas fm Dyas. That Nancy Dyas be divorced from her husband Thomas Dyas, in pursuance with the decree of the chancery court for the first district, southern division, at the April term, 1848.

Thompson from Thompson. That Lawrence H. Thompson be divorced from his wife Ann Thompson, in pursuance with the decree of the chancery court for the first district, southern division, at the April term thereof, 1849.

Johnson from Johnson. That Harriet L. Johnson be divorced from her husband Daniel L. Johnson, in pursuance with the decree of the chancery court for the first district, southern division, at the April term thereof, 1849.

McGill fm McGill. That Daniel A. McGill be divorced from his wife Margaret McGill, in pursuance with the decree of the chancery court of the eighth district, southern division, at the extra November term of said court, 1845.

Shuffle fm Shufle. That Andrew Shuffle be divorced from his wife Amanda Shuffle, in pursuance with the decree of the chancery court of the thirtieth district, northern division, at the April term of said court, 1849.

Hammond from Hammond. That Lemuel G. Hammond be divorced from his wife Martha A. Hammond, in pursuance with the decree of the chancery court for the third chancery district, southern division, at the December term of said court, 1849.

Johnson from Johnson. That George Johnson be divorced from his wife Hannah Johnson, in pursuance with the decree of the chancery court of the first district, southern division, at the January term, 1850.

That Temperance Weeden be divorced from her husband Frederick A. Weeden, in pursuance with the decree of the chancery court for the third district, southern division, at the June term of said court, 1848. Weeden from
Weeden.

That Samuel D. Crum be divorced from his wife Sarah Jane Crum, in pursuance with the decree of the chancery court for the twelfth district, southern division, at the October term of said court, 1849. Crum fm Crum.

That Mariah Kovaliski be divorced from her husband Razetan Kovaliski, in pursuance with the decree of the chancery court for the first district, southern division, at the special January term of said court, 1850. Kovaliski from
Kovaliski.

That James Singleton be divorced from his wife Huldah Singleton, in pursuance with the decree of the chancery court for the sixteenth district, middle division, at the October term of said court. Singleton from
Singleton.

That Eliza E. Maddox be divorced from her husband Jesse Maddox, in pursuance with the decree of the chancery court for the southern chancery division, at the May term of said court, 1849. Maddox from
Maddox.

That Sarah E. Compton be divorced from her husband James M. Compton, in pursuance with the decree of the chancery court of the thirtieth district, northern division, at the special January term of said court, 1842. Compton from
Compton.

APPROVED, 9 February, 1850.

[No. 69.]

AN ACT

To divorce certain persons therein named.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in pursuance of the decrees of the court of chancery held in Dallas county, for the 19th chancery district of the state of Alabama, the bonds of matrimony heretofore solemnized and subsisting between the following named persons be, and the same are hereby dissolved and annulled, viz:

That Philip H. Lundy be divorced from his wife Mary E. Lundy. Lundy from
Lundy.

That Catharine L. Drew be divorced from her husband Benjamin P. Drew. Drew from
Drew.

And that Eliza Morgan be divorced from her husband Eppie E. Morgan. Morgan from
Morgan.

APPROVED, 11 February, 1850.

[No. 70.]

AN ACT

Divorcing certain persons therein named.

Divorce.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in pursuance to decrees of the several courts of chancery in this state herein mentioned, the bonds of matrimony heretofore solemnized and subsisting between the following named persons be, and the same are hereby dissolved and annulled, viz :

Attkinson from
Attkinson.

That Almond Attkinson be divorced from his wife Mary T. Attkinson, in pursuance with the decree of the chancery court for the 33d district, northern division, at the January term thereof, 1850.

Diaz from Diaz

That Jose L. Diaz be divorced from his wife Mary J. Diaz, in pursuance with the decree of the chancery court of the first district of the southern division, at the January term thereof, A. D. 1850.

Hardwick from
Hardwick.

That Theresa Hardwick be divorced from her husband J. F. McTeer Hardwick, in pursuance with the decree of the chancery court of the 37th district, northern division, at the June term thereof, 1848.

APPROVED, 12 February, 1850.

[No. 71.]

AN ACT

Divorcing certain persons therein named.

Bright from
Bright.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the bonds of matrimony heretofore subsisting between Eveline Bright and her husband Levi G. Bright be and they are hereby dissolved, so far as the said Eveline is concerned, and the said Eveline is hereby absolved from all her marital vows and obligations to her said husband ; and she is hereby authorized to take, retain and keep the custody of her children, the issue of her marriage with the said Levi G. Bright, free from his control or authority in any respect whatever, pursuant to a decree of the chancery court for the ninth district of the Southern chancery division of Alabama, passed at the November term, 1849.

McKamy from
McKamy.

SEC. 2. *Be it further enacted,* That the bonds of matrimony heretofore subsisting between Robert McKamy and his wife Causada McKamy be and they are hereby dissolved, so far as the said Robert is concerned, pursuant to a decree of the chancery court of the thirtieth district of the northern chancery division of Alabama, passed at April term, 1849.

SEC. 3. *Be it further enacted,* That the bonds of matrimony heretofore subsisting between Susannah Merrill and her husband William Merrill be and they are hereby dissolved, so far as the said Susannah is concerned, pursuant to a decree of the chancery court of the sixth district of the southern chancery division of Alabama, passed at an extra term of said court in December, 1849. Merrill from Merrill.

SEC. 4. *Be it further enacted,* That the bonds of matrimony heretofore subsisting between Marshall N. Lee and his wife Amy S. M. Lee be and they are hereby dissolved, pursuant to a decree of the chancery court of twenty-first district of the middle chancery division of Alabama, passed at the December term, 1849, of said court. Lee from Lee.

SEC. 5. *Be it further enacted,* That the bonds of matrimony heretofore subsisting between John Bernard and his wife Julia Bernard be and they are hereby dissolved, so far as the said John Bernard is concerned, pursuant to a decree of the chancery court of Madison county, passed at the December term of said court, 1849. Bernard from Bernard.

SEC. 6. *And be it further enacted,* That the bonds of matrimony heretofore subsisting between Jassang Barria and his wife Clara Barria be and the same are hereby dissolved, pursuant to a decree of the chancery court for the county of Choctaw, passed twenty-second November, 1849. Barria from Barria.

APPROVED, 13 February, 1850.

[No. 72.]

AN ACT

To amend an act entitled an act to prevent the storage of gunpowder in larger quantities than one hundred pounds within the city of Mobile, approved March 6th, 1848.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the first section of the act to which this is an amendment be, and the same is hereby repealed. Repeal of first section of former act.

SEC. 2. *And be it further enacted,* That from and after the passage of this act it shall not be lawful for the corporation of the city of Mobile, or any person or persons, to receive or keep on storage in any building of any kind within the corporate limits of said city, unless the same be kept on one of the islands in the Mobile river or bay, any gunpowder or gun-cotton, or any explosive material, in larger quantities than fifty pounds. Powder not to be kept in the city in larger quantities than fifty pounds.

APPROVED, 6 December, 1849.

[No. 73.]

AN ACT

To provide for the temporary storage of gunpowder within the limits of the city of Mobile.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the corporate authorities of the city of Mobile are hereby authorised to permit the storage of not exceeding one hundred kegs of gunpowder at any one time in the powder magazine within the corporate limits of said city until the first day of June, A. D. 1850.

Powder not exceeding one hundred kegs may be deposited in the magazine.

SEC. 2. *And be it further enacted,* That all laws and parts of laws not consistent with this act are hereby repealed.

APPROVED, 11 February, 1850.

[No. 74.]

AN ACT

To authorise and regulate the business of banking.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the act entitled "an act to prohibit unlawful banking associations, and for other purposes," approved on the second day of February, in the year 1839, and the first three sections of the seventh chapter of the penal code entitled "of miscellaneous offences," so far only as they may conflict or may be inconsistent with the provisions of this act be, and they are hereby repealed. And any person or association of persons desirous to engage in the business of banking under the provisions of this act may deposit with the treasurer of this state, to the credit of the comptroller of public accounts, a sum of money sufficient for the purpose of having engraved and printed as hereinafter prescribed such quantity of circulating notes in the similitude of bank notes as such person or association of persons may choose to have made; and thereupon it shall be the duty of said comptroller, and he is hereby required to have such circulating notes engraved and printed in the best manner to guard against counterfeits, and of various denominations not less than five dollars, nor for any sum which is not a multiple of five and some other number, which circulating notes shall be countersigned and numbered by said comptroller and registered in proper books to be kept in his office, so that each of said notes shall bear his uniform signature; and the comptroller shall defray the expenses of having said notes engraved and printed as aforesaid, out of the money deposited as aforesaid.

Certain laws repealed.

First steps to be taken by persons desirous of banking under this act.

Duty of comptroller.

SEC. 2. *Be it further enacted*, That whenever any person or association formed for the purpose of banking under the provisions of this act, shall legally transfer to the comptroller any portion of the public debt now created or hereafter to be created by the United States, such person or association of persons shall be entitled to receive from the comptroller an equivalent amount of circulating notes or bills of different denominations, registered and countersigned as aforesaid: *Provided*, That such public debt shall not be in stock below ninety per cent., if five per cents.; nor below one hundred per cent., if six per cent., generally in the New York market: *And provided further*, That the public stocks so transferred, if below par generally in the New York market, shall be made equal to par by the transfer of an additional amount of such stocks, and no stocks shall be received by the comptroller at more than their par value; and the circulating notes so secured shall be stamped upon the face "secured by the pledge of public stocks of the United States."

U. S. stocks shall be transferred for circulating notes.

At what rate.

SEC. 3. *Be it further enacted*, That such person or association of persons, after having executed and signed such circularing notes in a manner to make them obligatory promissory notes, payable on demand at the place of business, within this state, of such person or such association of persons, is hereby authorised to loan and circulate the same as money, according to the ordinary course of banking business.

Circulating notes shall be signed.

SEC. 4. *Be it further enacted*, That the stock, securities and assets herein required to be transferred to the comptroller by any person or association, shall be held by him and his successors in office exclusively for the redemption of the circulating notes, countersigned as aforesaid, of such person or association, put in circulation as money, until they shall be paid.

Stock shall be held for redemption of notes.

SEC. 5. *Be it further enacted*, That the plates, dies and materials to be procured by the comptroller for the printing and making of the circulating notes provided for hereby, shall remain in the custody of him and his successors, and under his and their direction.

Plates and dies shall be kept by comptroller.

SEC. 6. *Be it further enacted*, That it shall not be lawful for the comptroller or other officer to countersign such circulating notes for any person or association of persons to an amount in the aggregate exceeding the public stocks transferred as aforesaid to said comptroller by such person or association; and any comptroller or other officer who shall violate the provisions of this section shall, upon conviction

Comptroller shall not sign excess of notes.

Penalty for so doing.

thereof, be punished by a fine not less than five thousand dollars, or be imprisoned in the penitentiary not less than five years, or by both such fine and imprisonment at the discretion of the jury trying the offender.

Capital stock of company regulated.

Shall make out articles of association.

Which shall be acknowledged.

When filed.

Copies from record evidence.

Banking powers of association.

SEC. 7. *Be it further enacted*, That any number of persons may associate together to establish offices of discount, deposit and circulation, upon the terms and conditions, and subject to the liabilities prescribed in this act; but the aggregate amount of the capital stock of any such association shall not be less than one hundred thousand dollars, nor more than five hundred thousand; and such persons shall, under their hands and seals, make a certificate, which shall specify, 1st. The name assumed to distinguish such association and to be used in its dealings; 2d. The place where the operations of discount and deposit of such association are to be carried on, designating the particular city, village, or town; 3d. The amount of the capital stock of such association, and the number of shares into which it shall be divided; 4th. The names and places of residence of the shareholders, and the number of shares held by each of them respectively; 5th. The period when such association shall commence and terminate; which certificate shall be proved or acknowledged in such manner as deeds conveying lands now by law may be, and recorded in the office of the clerk of the county court of the county in which the place of operations aforesaid of said association shall be established, and a copy thereof filed in the office of the comptroller of public accounts.

SEC. 8. *Be it further enacted*, That copies of the record of the certificate aforesaid, or from the copy thereof filed in the office of the comptroller, duly certified by the clerk aforesaid or by said comptroller, (as the case may be) may be used as evidence in all courts and places for and against any association.

SEC. 9. *Be it further enacted*, That such associations shall have power to carry on the business of banking by discounting bills, notes and other evidences of debt; by receiving deposits; by buying and selling gold and silver bullion, foreign coins, and bills of exchange; by lending money upon real and personal security, and by exercising such incidental power as shall be necessary to carry on business; to choose one of their number as president of said association, and to appoint a cashier and such other officers and agents as their business may require; and to remove such president, cashier, and other officers and agents, and appoint others in their place.

SEC. 10. *Be it further enacted,* That the shares of said association shall be deemed personal property, and shall be transferrable on the books of the association in such manner as may be agreed on in the articles of association; and every person becoming a shareholder by such transfer shall succeed to all the rights and liabilities of the person or persons whose share or shares are so transferred; but by no change which shall be made in the articles of association or in the parties associated shall the rights, remedies and security of the existing creditors be taken away or impaired, nor shall such association be dissolved by the death or insanity of any of the shareholders therein.

Shares of company may be transferred.

Effect of transferring regulated and restricted.

SEC. 11. *Be it further enacted,* That it shall be lawful for any association of persons organized under the provisions of this act, by their articles of association, to provide for a change of the amount of their capital, and of the number of their associates from time to time; but their capital stock shall never exceed five hundred thousand dollars, and a certificate shewing such change shall be made out, recorded, and filed as aforesaid.

Amount of capital &c. may be changed.

Restriction.

SEC. 12. *Be it further enacted,* That all contracts made by any such association, and all notes to be by them issued and put in circulation as money, shall be signed by the president and cashier thereof; and that in all suits, actions and proceedings brought or prosecuted by or on behalf of, or against such association, the name thereof assumed to distinguish it may be employed or used, and it shall not be necessary to set forth the names of the persons composing such association in any suit, action or proceedings; nor shall the same abate by reason of the death of any such persons, or by reason of the death, resignation, or removal from office of the president, or other officers thereof; and the property of such association and moneys due to it may be subject, by execution, garnishment, or otherwise, to the payment or discharge of the judgments or decrees rendered against it, in the same way as such payment or discharge might be enforced against single persons.

Contracts and notes, by whom signed.

Company to be proceeded against in its assumed name.

SEC. 13. *Be it further enacted,* That if any judgment or decree shall be rendered against any such association, and a writ of execution be issued thereon and returned "no property found," a writ of *scire facias* may be issued on such judgment or decree against any one or more of the shareholders of such association, or his executors or administrators, requiring him or them, at the next term of the court after the issuance thereof, provided such writ shall have been served fifteen days, to show cause why execution of

Proceedings in cases of judgments or decrees.

such judgment should not be had of his or their lands, tenements, goods and chattels, or effects; and the court at such term shall proceed and render judgment in the premises according to law.

SEC. 14. *Be it further enacted*, That in any suit or proceedings against such association, the service of writs, processes, notices, &c., shall be made only upon the president or cashier thereof, or person exercising one of said offices, or discharging the duties ordinarily discharged by such officer; or if there be no such officer or person discharging the duties thereof residing at the place of doing business of such association, then such service may be made upon any two persons belonging to such association as members thereof: *Provided, however*, That in case such association shall not be organized, so that suit or proceedings can be duly brought or prosecuted against it as aforesaid, then any one or more of the members thereof may be proceeded against individually or collectively, according to the law regulating the liability of and proceedings against partners.

Terms upon which association may hold real estate.

Duty in selling and conveying away real estate.

SEC. 15. *Be it further enacted*, That it shall be lawful for such association to purchase, hold and convey real estate for the following purposes: 1st. Such as shall be necessary for its immediate accommodation in the convenient transaction of its business; 2d. Such as shall be mortgaged to it in good faith by way of security for loans made by or moneys due to such association; 3d. Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings; or, 4th. Such as it shall purchase at sales under judgments, decrees, or mortgages in its favor. The said association shall not purchase, hold or convey real estate in any other case, or for any other purpose; and the members thereof shall, in their articles of association, under their hands and seals, empower and authorise some officer thereof, and his successors or other person, to sell, assign, and convey such real estate from time to time, free from any claim thereon against any shareholders, or any person claiming under them; but they may also, by a special power of attorney, authorise any person else to do the same.

Exemption of property of association.

Restriction of exemption.

SEC. 16. *Be it further enacted*, That the property of such association, or its effects or assets, shall not be liable to be seized or taken by virtue of any execution or attachment, or other process against any of the persons composing the same, for their own individual debts, engagements or liabilities; but the interest of any of said persons therein may be sold and conveyed to satisfy or discharge such debts, &c., according to law, by bill in chancery.

SEC. 17. *Be it further enacted,* That in case the maker or makers of any such circulating notes shall, at any time during the usual hours, and at his or their usual place of business, fail or refuse on demand to redeem his or their note or notes in the lawful money of the United States, the holder of such note or notes may cause the same to be protested in the usual manner by a notary public; the fact and date of such protest shall be endorsed on said note or notes, and signed by the notary; and immediately upon such protest, the holder of such note or notes protested shall give information, by mail or otherwise, to the comptroller, mentioning the number on the note or notes and the maker or makers, of which the comptroller shall cause due record to be made; whereupon interest at the rate of fifteen per cent. per annum shall accrue upon the note or notes thus protested, to be reckoned from the date of the protest until the same shall be redeemed: *Provided,* That no interest shall accrue unless the comptroller be informed within thirty days of the fact of such protest; and after the expiration of the thirty days such interest shall accrue only from the time that the comptroller shall receive information as aforesaid.

Association failing to redeem circulating notes.

Shall be protested.

Comptroller shall be notified.

Interest on protested notes.

Proviso.

SEC. 18. *Be it further enacted,* That whenever the comptroller shall ascertain that the person or association of persons banking under the provisions of this act have failed or refused to redeem their notes or bills to the extent of one-tenth of the amount of notes or bills delivered to them for circulation, it shall be the duty of said comptroller to give notice to the person or association of persons aforesaid, that unless the notes or bills protested as above be redeemed within twenty days after notice, he will proceed to close his or their banking operations; and if said bills be not redeemed accordingly, the comptroller shall then appoint three commissioners, who shall give bond with sureties to the said comptroller for the faithful performance of their duty, in such sum as he may require; to these commissioners the person or association of persons as aforesaid shall deliver up and assign on oath all assets arising from his or their banking operations; and the said commissioners shall proceed as soon as may be to collect all the debts due and dispose of all the real and personal estate belonging to or connected with the banking operations of the persons or association aforesaid, as far as may be necessary to the redemption of all the notes or bills put in circulation by the person or association aforesaid, and which may not be redeemed by the deposit in the hands of the comptroller.

Duty of comptroller.

Shall give notice to association.

May appoint commissioners to take charge of assets, who shall give bond.

Proceedings by commissioners.

Compt'ler shall
make publica-
tion.

SEC. 19. *And be it further enacted,* That the comptroller shall make publication in three of the principal newspapers of the state of the fact whenever any person or association as aforesaid shall have failed or refused to redeem his or their notes to the extent aforesaid that the banking affairs of such person or association are in the hands of commissioners for settlement, and that all persons holding the circulating notes or bills of the bank thus placed in liquidation shall present them for payment within twelve months after the notice thus given.

May convert
the stock into
funds to redeem
notes.

SEC. 20. *And be it further enacted,* That the comptroller, upon such failure or refusal, shall proceed to convert the stocks deposited with him by the person or association so failing or refusing into such funds as will enable him to redeem the said notes or bills as they may be presented; and he shall continue to redeem such notes or bills until all the stock deposited with him by said person or association be exhausted.

Duty of com'rs
in collect'g de'ts
and interest.

SEC. 21. *And be it further enacted,* That the commissioners appointed as aforesaid are authorised and required to receive in payment of notes and bills discounted and of property sold the circulating notes of the bank thus placed in liquidation, adding interest at the rate of fifteen per cent. per annum for the time of the appointment of said commissioners or of the protest thereof as aforesaid; and the said commissioners shall make quarterly returns to the comptroller, stating the amount and kind of assets in their hands, the amount of collections they have made, and the amount of circulating notes they have taken in.

Application of
funds paid over
to comptroller
by commission'r

SEC. 22. *And be it further enacted,* That the funds which may be paid over to the comptroller by the commissioners at their quarterly returns, as aforesaid, shall be immediately applied by him to the payment of such notes or bills as may still stand unredeemed and be presented for payment. And whenever the comptroller shall ascertain that all or nearly all the bills to within one per cent. of the amount of bills given out by the comptroller have been redeemed, he shall report the fact to the commissioners, who shall within ten days thereafter have a settlement and deliver up all the assets remaining in their hands to the association of persons or person from whom such assets had been received; and the judge of the county or probate court, in auditing their settlement, shall allow them such compensation as he may deem just and proper, not in the whole amount exceeding ten per cent. on the amount of moneys received by them, or debts collected: *Provided,*

When functions
of commission-
ers shall cease
and proceedings
be had.

That the commissioners shall reserve and pay over to the comptroller an amount sufficient to redeem all the bills still outstanding, should they be presented within two years from the time of the appointment of commissioners; and should there at the expiration of this time still remain funds in the hands of the comptroller unapplied according to the provisions of this act, he shall then pay them over to the person or association of persons from whom they had been received: *And provided also,* That nothing shall be understood hereby to prevent any holder of a note or bill, after the expiration of the two years aforesaid, from recovering payment from the person or association of persons who issued it, according to law.

Proviso.

Proviso.

SEC. 23. *And be it further enacted,* That after the public announcement by the comptroller of the appointment of commissioners to settle the affairs of any banking institution under the provisions of this act; it shall not be lawful for the president or other officer of such institution to collect or receive any debts due such institution, or to dispose of any property belonging thereto, or to transact any of the usual business of banking, or of discounting notes and buying and selling exchange; and any president or other officer, or other person owning such institution or shares therein, knowingly and wilfully violating the provisions of this section shall upon conviction be deemed guilty of a misdemeanor, and fined not less than two thousand dollars and imprisoned in the penitentiary not less than one year.

Effect of appointment of commissioner by comptroller.

SEC. 24. *And be it further enacted,* That the comptroller may give to any person or association transferring stock in pursuance of the provisions of this act powers of attorney to receive interest or dividends thereon, but such powers shall be revoked upon such person or association failing or refusing to redeem the notes issued for circulation, or whenever in the opinion of the comptroller such stock by depreciation shall become an insufficient security; and the comptroller, upon application of the owner or owners of such transferred stock, may in his discretion change or transfer the same for other stocks of the kind before specified in this act, or may give up the said stocks, or any part thereof, upon receiving and cancelling an equal amount of notes or bills delivered by him to such person or association.

Dividends or interest on stock to whom paid.

Restriction.

Stocks or notes may be exchanged.

SEC. 25. *And be it further enacted,* That every person or association of persons banking under the provisions of this act shall, on the first Monday of January in each and every year, make out and transmit to the comptroller, in the form to be prescribed by him, a full statement of the affairs of the

Associations banking shall make annual report to comptroller.

Character of
statement.

Shall be pub-
lished.

Penalty for fail-
ing to make an-
nual statement.

Stor's and notes
subject to taxa-
tion.

Notes or bills
taken in pay-
ment of taxes or
other pub. dues.

Liability of tax
collector and a-
gents regulated.

bank, verified by the oath of such person, or of the president and cashier, (as the case may be,) which statement shall contain the amount of capital stock deposited with the comptroller, the value of the real estate held by the bank, specifying the amount necessary for the transaction of business, and the amount as security for or in the payment of debts, the shares of stock held by such association, and the names of the shareholders, the amount of circulation out, and the quantity of specie on hand on the first days of January and July in each and every year, and the amount of debts due the bank from every source on the first of January in each and every year, specifying the amount considered bad ; and it shall be the duty of the comptroller to cause the said statement to be published in a newspaper printed in the county where such bank is situated, at the expense of such bank.

SEC. 26. *And be it further enacted,* That if any person or association of persons banking under the provisions of this act shall neglect to transmit such a statement to the comptroller as required for one month beyond the period as aforesaid, or shall violate any of the provisions of this act, such person or association may be proceeded against and the banking operations arrested by the court of chancery, and the business wound up in the manner provided for in this act in the case of a refusal or failure to redeem the circulation.

SEC. 27. *And be it further enacted,* That the whole amount of the securities deposited with the comptroller for the purposes provided for in this act and of the circulating notes delivered by him, shall be assessed for taxation to the person or association to whom they belong, and also all real and personal estate ; and the person carrying on banking, or the president or cashier of any banking association, shall on oath give in a list of such taxable estate, and the rate of taxation assessed on said capital and issue shall be the same as the rate of taxation on lands as fixed by law for the time being.

SEC. 28. *And be it further enacted,* That the notes or bills issued for circulation by any person or association of persons banking under the provisions of this act, and who have complied with the provisions herein contained, shall be received by the treasurer of the state, tax collectors and other agents of the state in payment of public dues ; and tax collectors and other agents of the state shall be relieved from any liability for receiving such notes or bills until sufficient time shall have elapsed for them to be

informed of a failure to comply with the provisions as aforesaid, which time shall be computed from the date of the publication of such failure at the capital by the comptroller, and at the rate of five days for each hundred miles distance from the capital to the county seat of the county wherein the tax collectors or other agents may respectively reside, by the usual mail route, or until they actually have information of such failure.

SEC. 29. *And be it further enacted,* That the resident cashier, or other officer of any bank established under the provisions of this act, shall not pay out, or use in discounting promissory notes, or in the purchase of bills of exchange, or in payment of checks drawn upon general deposit, or in any manner except in exchange for their own circulating notes, give circulation to the bills of banks of other states; but such bills may be received for any purposes in the usual transaction of banking business, to be returned upon the banks from which they were issued.

Shall not pay
out notes or
banks out of the
state.

SEC. 30. *And be it further enacted,* That the circulating notes to be issued as herein provided as money, shall be all made payable on demand and without interest; and any individual banker or officer of an association who shall violate the provisions of this section, or shall discount any note, bill of exchange or draft, at a higher rate of interest than eight per cent. per annum, not including the difference of exchange, shall be guilty of a misdemeanor, punishable by fine and imprisonment or by either, to be assessed or determined by the jury who shall try the cause.

Notes shall be
made pay'ble on
demand.

Rate of interest
on discounts.

SEC. 31. *And be it further enacted,* That the president and cashier of every association, formed pursuant to the provisions of this act, shall at all times keep a true and correct list of the names and places of residence of all the shareholders of such association, and shall file a copy thereof, verified by their affidavits, in office of the clerk of the county court, or office of the probate court, of the county where the office of such association shall be, and also in the office of the comptroller, on the first Monday in January and July in every year.

List of sharehol-
ders shall be
kept.

SEC. 32. *And be it further enacted,* That it shall be the duty of the comptroller to receive and cancel mutilated circulating notes or others issued by him, and to deliver in lieu thereof other circulating notes to the same amount.

Mutilated notes

SEC. 33. *And be it further enacted,* That any person, or officer of any association of persons other than of the chartered banks of the state, who shall issue or cause to be put in circulation as money any notes, bills, bonds, or checks, contrary to or not in conformity with the provisions

P'nalty for ban-
king illegally.

of this act, shall be liable to all the pains and penalties prescribed in the enactments referred to in the first section of this act.

SEC. 34. *And be it further enacted,* That the general assembly shall at all times have the power to repeal or modify this act, or any part thereof; and such repeal or modification may, if so provided, operate upon any person or association of persons who may engage in the business of banking under the provisions of this act.

SEC. 35. *And be it further enacted,* That all expenses which may be incurred by the comptroller of public accounts, or in his office in executing the provisions of this act, shall be paid by each person or association of persons at whose instance the same may accrue.

APPROVED, 12 February, 1850.

[No. 75.]

AN ACT

To incorporate the Southern Bank of Alabama.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That a bank be established in the city of Mobile, the capital stock of which shall not exceed eight hundred and thirty-four thousand dollars, divided into shares of one hundred dollars each; three-fifths of which capital may be subscribed for by individuals, and two-fifths of which shall be reserved for the state of Alabama.

SEC. 2. *Be it further enacted,* That subscriptions for stock in the said bank shall be opened in such places as the commissioners, to be appointed for receiving subscriptions to stock, may designate, on the first Monday in April next, under the direction and management of nine commissioners, to be appointed by the governor; and who shall have authority to receive individual subscriptions for shares of stock, not to exceed the sum of five hundred thousand dollars. The said commissioners, or a majority of them, shall keep their books of subscriptions open for the term of thirty days, unless the said amount of five hundred thousand dollars be sooner subscribed; but the books shall, in every event, be kept open for ten days. The said commissioners shall give at least thirty days' previous notice of the opening of said books, by advertisement in at least five public newspapers published in this state and elsewhere, in their discretion; and they shall keep a correct record of their proceedings.

SEC. 3. *Be it further enacted,* That at the time of admitting such subscriptions for stock, the said commissioners shall require from the subscribers the sum of ten dollars for each share subscribed. The subscribers shall further pay an instalment of twenty dollars per share, within ninety days after the day of first opening said books; of twenty dollars per share within six months after said opening day; twenty dollars per share within eight months after said opening day; (and all payments of stock shall be made in gold or silver coin,) twenty dollars per share within ten months after said opening day, and ten dollars per share within one year from said opening day. But any subscriber may, if he thinks proper, pay in his subscription at earlier days than above limited, and in such case interest shall be equalized with the other stockholders upon equitable principles. The said commissioners shall deposit all moneys received by them for safe keeping in such bank or other place of deposit as the governor may direct, or in default of such direction as the commissioners may select, until the said new bank shall go into operation, after which payment shall be received by the bank itself. The commissioners shall have power to fill vacancies occurring in their own body by death, absence or refusal to act, until their duty is performed.

Paying subscription of stock regulated.

Duty of com'rs.

May fill vacancies.

SEC. 4. *Be it further enacted,* That whenever the sum of two hundred thousand dollars shall have been subscribed to the stock of the said bank, whether by individuals alone or by individuals and the state of Alabama combined, or in any other sum not exceeding in the whole eight hundred and thirty-four thousand dollars, and after the closing of the books of subscription and after half of the capital stock subscribed shall have been actually paid in gold or silver, the said bank may elect its officers under the following conditions, to-wit: The president and directors of said bank thus appointed shall, without loss of time, make the necessary arrangements to put the bank in operation, so soon as pursuant to the provisions of this act the bank shall possess in gold and silver one half of the capital stock subscribed. But the said bank shall under no pretext whatever commence its banking operations by discounting bonds, bills or notes, by loaning money, or putting into circulation its own notes, until it shall actually and in good faith have in possession of its own absolute property in gold and silver one half of the whole amount of the capital stock subscribed, and shall have returned to the governor of this state an account thereof verified by the oath or affirmation of

When the bank may go into operation.

Upon what conditions.

Report shall be made to gov.

Who shall issue
his proclama-
tion.

Penalty for vio-
lating condi-
tions.

Books for sub.
may be opened
a 2d time.

State may take
2-5.

the president or cashier for the time being ; nor shall the said bank so commence its operations until the governor, satisfied by the return aforesaid and by such other evidence as may be offered, shall issue a proclamation declaring that the return aforesaid had been duly made, and that it appeared to his satisfaction that said company had of their own absolute property the amount in gold and silver aforesaid, were authorised under the provisions of this act to commence their banking operations as aforesaid. If the said bank without actually and in good faith having of its own property the amount of gold and silver as aforesaid, or without having made a return thereof as aforesaid, or without the proclamation of the governor as aforesaid, shall commence any such banking operations as aforesaid the charter hereby granted shall be null and void, and the said bank shall be considered to all intents and purposes as an unchartered bank. And if more subscriptions be offered to the commissioners than they are authorised to receive, they shall scale and allow the subscriptions in such mode as they shall deem equitable, giving in all cases the preference to subscribers who shall be resident citizens of Alabama, and if still necessary they shall reduce the largest subscriptions so as to form the proper amount of capital stock and no more : *Provided*, That no other bank shall be allowed to take stock in said bank.

SEC. 5. *Be it further enacted*, That if on closing the books a sufficient capital shall not be subscribed to authorise the bank to go into operation under the terms of this act, the commissioners may again open such books afterwards at such times and places as they may direct, under the same regulations as above provided, until the subscription be sufficient. After the bank officers shall have been elected, if the stock is not full, the board of directors shall have power to cause books to be opened from time to time until the stock and capital be full, and to appoint commissioners to receive such subscriptions under such rules as they may prescribe : *Provided*, Thirty days' notice be given by advertisement as above prescribed of the time and place of receiving such subscriptions.

SEC. 6. *And be it further enacted*, That the state of Alabama may, when it shall elect so to do, take shares in the capital stock in said bank equal to two-fifths of its amount, on paying a proportionate part of the capital, and on equal terms with the subscribers, equalising interest on equitable terms with the stockholders as to time. And the said state shall in case it take stock be entitled to a proportion of

power in the direction of the bank equal to its proportion of stock therein.

SEC. 7. *Be it further enacted*, That the stockholders of the said bank and their successors shall, when a sufficient amount shall have been subscribed and paid in, be and they are hereby created a corporation and body politic by the name and style of "The Southern Bank of Alabama," and shall so continue until the first day of June, eighteen hundred and eighty, and by that name shall be and are declared able and capable in law to have and own, purchase, receive, possess and retain to them and their successors lands, rents, tenements, hereditaments, goods, chattels and effects of whatsoever kind, nature and quality, moneys, obligations, stocks, bonds, bills, notes, securities and choses in action of whatsoever nature, and the same may sell, grant, demise, alien, convey or dispose of, and may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any suit, matter or thing depending in any court of law or equity, and shall also have power to make, have and use a common seal, and the same to break, alter and renew at pleasure; also to ordain, establish, alter and repeal by-laws, ordinances and regulations as they may deem necessary and convenient from time to time for the government of said corporation, not being contrary to the constitution and laws of the United States or of the state of Alabama; also to make loans, discounts, and deal in money, and notes, bills of exchange, bonds, mortgages and securities of all kinds, to receive deposits, to make and issue bank notes payable on demand to bearer, and to make all contracts and transact all such business as is usually transacted by banks and as are within the scope of banking operations, and generally to do and execute all and singular the acts, matters and things which to them it shall appertain to do as incident to bodies corporate; subject, however, to the rules and limitations herein contained: *Provided*, The said bank shall not in any case deal in or purchase merchandise, produce or personal property of any kind, or real estate, except for its necessary banking houses, buildings and purposes, or by way of securing payment of the debts due to it; nor shall it issue or cause to be made for circulation as currency any notes or bills that are not payable on demand.

Stockholders
declared a body
politic and cor-
porate.

Name and style,
duration.

General corpor-
ate power.

Proviso.

SEC. 8. *Be it further enacted*, That the affairs of said bank shall be managed by ten directors, elected annually by the stockholders of said bank and appointed by the governor of the state of Alabama on behalf of the state, if the

To be managed
by ten directors.

How elected.

Rules of voting
by stockholders.

May vote by
proxy.

1st election to
be managed by
comm'rs.

Directors shall
elect a presi-
dent.

Subsequent
election of di-
rectors.

state shall subscribe for stock, and if not then to be elected by the stockholders alone. At all elections the stockholders shall elect the whole ten directors, or a number proportioned to the number of shares held by them collectively, as the case may be, allowing the state to appoint a number proportioned to its stock, and the directors appointed by the stockholders shall be those who shall have received a plurality of the votes given at elections by stockholders, and they shall vote according to the ratio and scale of votes following: Each shareholder for every share he may hold not exceeding twenty-five, may give one vote; for every two shares above twenty-five and under fifty, one vote; for every three shares above fifty and under one hundred, one vote; and for every five shares over one hundred and under one hundred and fifty, one vote; and for every ten shares over one hundred and fifty, one vote; and after the first election no shares shall confer a right to vote which shall not have been holden by the voter three calendar months previous to the election. The stockholders shall be entitled to vote either in person or by proxy. The shares of infants may be voted for by their parents or guardians, if married women by their husbands or trustees, if corporations by their president, and if copartners or joint owners by either, unless the other dissent, in which case neither shall vote; and all powers to authorise persons to vote by proxy shall be in writing.

SEC. 9. *Be it further enacted,* That the first election for directors shall be held so soon as may be after the books of subscription shall be closed and a sufficient number of shares subscribed. The said commissioners appointed to receive subscriptions shall hold said first election on such day as they may appoint, after giving thirty days' notice of the time and place of holding the same. They shall certify to the directors the names of the persons elected, shall hand over their records to them and the moneys subscribed and paid. The said board so elected and appointed by the governor, if the state at any time becomes a stockholder, shall proceed to elect a president from their own number, and the board shall continue in office until the expiration of the second Monday in January following, and until their successors shall enter upon their duties. The subsequent elections for directors shall be held at the banking house on the second Monday of January in each year. The new board elected shall be authorised to enter upon its duties on the day after, and continue until the expiration of the second Monday of January next thereafter, and until their

successors shall organise and enter upon their duties. The polls shall be held by three stockholders, other than directors, appointed by the board to hold the same; the votes shall be by ballot, under such regulations as the bank shall prescribe, but ten days' notice of such election shall be given in two public newspapers of the county in which said bank is located. No stockholder shall vote at any time while in default of the payment of his instalments of stock as required by law and the regulations of the bank.

SEC. 10. *Be it further enacted*, That no person shall be a director on the part of the stockholders unless he shall own one thousand dollars' worth of stock in the said bank, *bona fide*, and as his own property, nor unless he shall be a resident citizen of the state, and is not a stockholder in any other bank; provided that this restriction shall apply to the directors on the part of the state.

Qualifications
for directorships

SEC. 11. *Be it further enacted*, That in case no election should be made of directors or president at the times provided by this act, the corporation shall not be for such cause deemed dissolved, but such election shall be had so soon as may be thereafter, on due notice. The board shall have power to fill all vacancies in the office of president and of directors elected by individual stockholders, and the governor shall fill vacancies on the part of the state, to serve until the next board shall organize. Six months' absence, removal from the state, transfer of stock down to a less sum than one thousand dollars, and any cause which shall prevent the attendance of such officer permanently to discharge the duties or render him incapable of so doing, shall vacate the seat of such president or director.

Elections not
held no forfeiture.

SEC. 12. *Be it further enacted*, That the president and directors of said bank shall have power and authority to appoint a cashier, and all such officers, clerks, agents and servants as may be necessary from time to time to carry on the business of the bank, and to prescribe their compensation and duties, and to require proper bonds and securities for the faithful discharge of their duties, in their discretion, and to issue bank bills payable to bearer on demand, at their banking house.

Cashier and
clerks may be
appointed.

They shall give
bonds.

SEC. 13. *Be it further enacted*, That the shares of stock in said bank shall be assignable and transferable, according to such rules as shall be instituted in that behalf by the by-laws and ordinances of the bank, and transfer books shall be kept for that purpose: *Provided*, That in case of the failure of the bank within six months after any such transfer or sale of stock, the party selling and the party purchasing

Stock may be
transferred.

Proviso.

Proviso.

said stock shall each be held liable for the payment of the debts of the bank, in proportion to the stock so transferred : *Provided further*, That no transfer of stock shall be made so as to vest in any one stockholder a greater number than one-fourth amount of the whole number of shares subscribed for in said corporation : *And provided further*, That the bank shall have power to pass by-laws to prevent the assignment of shares by parties owing debts to said bank passed due, until such indebtedness be paid, and to withhold dividends due to persons so being in default if they deem it proper.

Power of the bank in recovering debts regulated.

Proviso.

Proviso.

Proviso.

Proviso.

SEC. 14. *Be it further enacted*, That if any person or persons, copartnership or body corporate, shall be indebted to said bank as maker, endorser or guarantor, or as drawer or acceptor of any note, bill or bond, made expressly negotiable and payable at the said bank, and shall delay payment thereof, the said bank may move for judgment and award of execution against such debtor in any court of record in the state where such defendant may reside, or corporation so indebted be located, and judgment shall be thereon rendered, as may be lawful and proper : *Provided*, That the defendant in any such case shall have at least thirty days' personal notice of such motion before the same is made, specifying what the demand is : *Provided also*, That at the time of making such motion the bank shall produce and file a certificate of the president or cashier, under the seal of the bank, that the debt claimed is really and *bona fide* the property of the bank : *Provided further*, That if any defendant shall appear and contest the claim, the court shall require the bank to file its declaration and the defendant his pleas, and to cause issue to be joined in law or fact, to be tried *instantly* or during the term as the court may direct by jury or by the court as the case may be, unless on sufficient cause shown it be necessary to continue the cause ; and the court shall give judgment as may be proper : *And provided further*, That the summary remedy thus given shall not preclude any other mode of redress which may be lawful to enforce the rights of the bank.

SEC. 15. *Be it further enacted*, That the said remedies given for the collection of debts due the bank shall be reciprocal for and against the bank, and in motions against the bank no certificate shall be required to be filed as above set forth ; and the courts of record in the county in which said bank is located having jurisdiction shall hear motions for the recovery of all debts due by said bank ; and in all suits against said corporation, service of process on the president

or cashier shall be sufficient to bring the defendant into court.

SEC. 16. *Be it further enacted,* That the said bank shall be subject to the following rules and regulations, and they are declared to be fundamental articles in the constitution of the said corporation, to-wit: Rules declared, fundamental articles of the corporation.

ART. 1. The bank shall not commence operations until half of the capital stock subscribed for be actually paid in gold or silver, which amount shall in no case be less than one hundred thousand dollars. Time of commencing operation.

ART. 2. That the state and individual stockholders, or any copartnership or body politic having shares in said bank, shall be bound respectively for all the debts of the bank in proportion to their stock holden therein; and this provision shall in nowise affect or impair the provisions of the thirteenth section of this act. Liability of stockholders.

ART. 3. The bank shall not be authorised to issue or have in circulation at any one time notes or bills of the bank to an amount exceeding twice the amount of its capital stock actually paid in. And in case of an issue greater than herein allowed, the president and directors under whose administration it may happen shall be liable for the same in their natural and private capacities, and actions may be brought against them or either of them in any court by any creditor of said corporation and may be prosecuted to judgment, any condition or agreement to the contrary notwithstanding. But the corporation shall not on account of this provision be less liable and chargable with said excess: *Provided,* That the president and such of said directors who may have been absent when said excess was contracted or created may respectively exonerate themselves from being so liable by forthwith giving notice of the fact, and of their absence or dissent to the stockholders, at a general meeting which they shall have power to call for that purpose. Circulation restricted.

RULE 1. The bank may at its option receive in payment or on deposit the notes of the banks of other states, but shall not pay out the same on loans, checks, orders, drafts, or discounts. Of deposits.

RULE 2. The bank shall be required to procure and always keep on hand gold and silver in a proportion of not less than one-fourth of the amount of the bills it shall have in circulation, and if withdrawn shall immediately proceed to replace the deficiency. Gold and silver to be kept on hand.

RULE 3. No bill or note of a smaller denomination than five dollars shall be issued, received or paid out by the bank. Bills not less than \$5.

RULE 4. The bank shall be required to receive money on deposit and pay out the same to order, free of charge, in such sums as the depositors may direct, provided the bank shall not be required to pay deposits in less sums than fifty dollars, nor to receive them in less sums than one hundred dollars.

RULE 5. The bank shall not take, retain or receive on its loans or discounts interest at a greater rate than six per centum per annum; but shall be entitled to legal interest on debts due and unpaid.

RULE 6. No director shall receive any emolument; but the president may receive such compensation as the stockholders shall, at a general meeting, assign him.

RULE 7. No director shall hold his office more than three years out of four in succession; but the president may always be re-elected for the ensuing year.

RULE 8. Not less than five directors shall constitute a quorum for the transaction of business, of whom the president shall always be one, except in case of sickness or necessary absence, in which case his place may be supplied by another director, whom under his hand he shall depute for that purpose; and the director so deputed may do and transact all the necessary business belonging to the office of president of said corporation, under the name of president *pro tem.*, during the continuance of the sickness or necessary absence of the president.

RULE 9. Two-thirds of the whole number of directors shall have power to authorise at any time any three or more of the directors to transact such business of the bank as may be specially confided to them, whose acts shall be as valid as if done by a full board of directors present at the doing thereof. But the directors constituting said two-thirds or more giving such authority, shall be liable for all acts done by the said three or more directors, as if they were personally present and concurring.

RULE 10. All officers of the bank, the president and directors excepted, shall be required before they enter upon the duties of their office to give bond and security, such as the board shall approve.

RULE 11. Half yearly dividends shall be made of so much of the profits of the bank as shall appear to the directors proper. But no dividend shall be paid as profits which shall trench upon the capital of the bank.

RULE 12. Once in every term of three years the directors shall lay before the stockholders, at a general meeting, for their information, an exact, full and particular statement of the condition and affairs of said bank, shewing the particulars of all suspended debts, and shall give all

information to them required for a proper understanding of its true condition.

RULE 13. The directors shall have power to call a general meeting of the stockholders at any time they may deem necessary and expedient; and a number of stockholders not less than thirty, who together shall be proprietors of five hundred shares of stock or upwards, may at any time call a general meeting of the stockholders, relative to the institution, giving at least six weeks' notice in the newspapers of the town or city in which such bank is located, of such meeting, and specifying the purpose or purposes thereof.

RULE 14. The said bank shall make to the comptroller of public accounts a return once in every twelve months of its true situation, shewing the amounts of its assets and liabilities, and of what they consist, also a list of the stockholders of said bank, and a list of the shares owned by each.

RULE 15. The governor of the state shall appoint biennially three commissioners, whose duty it shall be to examine the moneys, books, papers and documents, of the said bank, and otherwise examine into its condition, and make report thereon within two months after their appointment. The bank shall furnish all information to the said commissioners necessary for an accurate examination, and shall pay to said commissioners four dollars per day each, not exceeding fifteen days each, and the said commissioners shall each make affidavit before an acting justice of the peace that they have not previous to the time of their visit communicated to the officers of said bank the time when they would visit said bank for the purpose of examination as aforesaid, which said affidavit shall be filed in the office of the secretary of state.

SEC 17. *Be it further enacted,* That by way of bonus, for granting of this charter, the said bank shall pay annually into the treasury of the state, on or before the first day of November in each year, and while the bank shall continue banking business, an amount equal to twice the taxation which may be assessed on every hundred dollars of the value of lands for the time being by the state on each share of the stock of the bank, which shall be in lieu and composition of all taxation whatever, by the state, county, city or other authority, on the capital stock or business of the bank: *Provided,* That all real estate owned by the bank shall be subject to pay taxes as if held by individuals.

SEC. 18. *Be it further enacted,* That whenever any bill or bills, notes, checks or other issues of said bank are presented at the counter of the same for redemption, and the bank shall refuse to redeem the same, either in gold or sil-

General meet-
ing of stockhol-
ders may be
called and how.

Annual return
to be made to
comptroller.

Governor of the
state shall ap-
point three com-
missioners an-
nually to exam-
ine the bank.

Bonus to be
paid to the state.

Bank fail'g to re-
deem bills shall
be protested.

Effect of prot'st.

ver, the cashier shall write across the back of such bill or bills, checks, or other issues, the word "protested," with the day and date, and shall sign the same; and all such bills, notes, checks or other issue so protested shall draw twelve per cent. interest from the date of the protest until the same shall be redeemed, together with the interest that may have accrued thereon; and if any such note, bill, check or other issue be presented to said bank and payment refused, and said officer fail to note the same protested, as above provided, such officer so failing, and his securities shall be subject to pay double the amount of the demand offered and refused, to be recovered by the person aggrieved in any court of record in the county where said bank may be located.

Loans to stock-
hold'rs restrain-
ed.

SEC. 19. *Be it further enacted*, That no stockholder of said bank shall receive any loan from the bank, either directly or indirectly, until the whole amount of his stock shall be paid; and no stockholder while any portion of his stock is unpaid shall be otherwise a debtor to said bank; nor shall said bank under any pretext hold any stock purchased by it of the stockholders for more than six months from the date of said purchase.

Proceedings
when bank fails
to meet its debts

SEC. 20. *Be it further enacted*, That if any debt or demand due from said bank for an amount exceeding one hundred dollars shall remain unpaid for more than ten days after proper demand made for payment, the holder of such debt may file a bill in the chancery court of the county or district in which said bank may be located, for the settlement of all the debts of the bank, if he elect so to do; and may on proof by affidavit of such refusal to pay on demand, and of the continuation of such refusal, made to any chancellor or judge of any circuit court of the state, pray an injunction to restrain the said bank and all its officers from paying out, or in any way transferring or delivering to any person any money or assets of said bank, or incurring any obligation or debt until such order be vacated or modified. And if such chancellor or judge shall be of opinion that the debt is justly due, and that the bank has no just defence against the demand, and if it shall appear expedient and necessary, upon the proof presented, in order to prevent fraud and injustice, he shall grant an order for such injunction. *Provided*, The bank shall have had such reasonable notice of the application as the chancellor or judge may prescribe, and shall not be able to shew sufficient cause against the same. And the said judge or chancellor shall then proceed further to inquire, on such further notice as he may prescribe, whether the said bank be clearly solvent or not, and may require the officers of the

bank to exhibit any and all of its books, papers, accounts, assets, moneys and effects, and to be examined on oath, touching the sums before him, or a referee to be appointed by him. And if it shall appear that the said bank is not clearly solvent, then he may make an order declaring the same to be insolvent, and requiring its affairs to be wound up and settled. And further, if in his opinion the safety of the creditors shall require it, such judge or chancellor may appoint a receiver or receivers to take charge of all the assets of the bank and to close and settle its affairs, and may make all such orders for the accomplishing of the same safely, properly and economically as the case may seem to require; but if it shall appear on such examination that the said bank is clearly solvent, or if there shall appear to be a deficiency of assets, and the bank shall procure and give good security for the payment of any deficiency which may exist, and that the assets shall prove sufficient to satisfy all the debts of the bank to the satisfaction of the judge or chancellor, then no such receiver shall be appointed; and upon the payment of the debt complained of, the injunction and proceedings shall be dismissed. Such order shall be made for the payment of costs as the judge or chancellor shall deem just and proper, and the proceedings shall be returned and made of record in the chancery court of the county or district in which such bank may be located, and shall be subject to revision and correction by the supreme court as in other cases.

Proceedings
when bank is
insolvent.

SEC. 21. *Be it further enacted*, That in case the said bank be found insolvent, and settlement of its affairs be ordered as herein provided, the same shall be done upon bill filed in said chancery court under the orders of the court and rules of chancery; and full distribution shall be made of the assets according to the rights of all parties. But the holders of bank notes and obligations issued by the bank for circulation as money shall be first called in and paid, and shall have priority over other debts due from the bank. And after the assets of the bank are exhausted, if they be not sufficient to pay all debts and liabilities, a further call shall be made on the shareholders in the bank for a further payment of capital over and above the sum of one hundred dollars of an amount equal to the deficiency, which shall be apportioned among all the shares of stock, as well of the individual shareholders as of the state, and an order shall be made by the court for the payment by each shareholder of the sum or proportion due on his shares of stock; and each shareholder shall pay the sum so assessed to him severally in proportion to his stock, which shall be collected by the receiver and applied; and

in case the state shall hold stock in said bank, it shall provide for and pay its proportion of this additional capital, in proportion to the stock so held in said bank, to be applied in like manner.

SEC. 22. *Be it further enacted,* That the summary remedy in this act specially given for settling up and closing the affairs of said bank shall apply to the case of insolvency, but shall not be allowed in the case of a suspension only by the bank of specie payments, when and so long as such suspension shall be sanctioned by the general assembly, or by the governor of the state during the recess of the general assembly. But nothing in this act contained shall be construed so as to deprive a creditor of said bank from his right to suit in any other appropriate mode of proceedings, or to prevent the general assembly from hereafter regulating, by a general law in relation to banking institutions, the mode of enforcing and satisfying the rights of creditors of said bank. *Provided,* Any bill holder shall also have the right to move in any court having jurisdiction, or before any justice of the peace in the city or county in which said bank is located, as the case may require, for the collection of any bill the payment of which may be refused.

SEC. 23. *And be it further enacted,* That notwithstanding the expiration of the time for which the said corporation is created, it shall be lawful to use the corporate name, style and capacity, for the purpose of suits, and for the final liquidation and settlement of the affairs and accounts of the corporation, for the sale and disposition of its estate, real and personal, and collection of its assets; but not for any other purpose, nor for a period exceeding two years after the expiration of said term of incorporation.

APPROVED, 12 February, 1850.

[No. 76.]

AN ACT

Further to provide for the final settlement of the affairs of the Planters' and Merchants' Bank of Mobile.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That for the purpose of finally closing all the transactions of the said Planters' and Merchants' Bank of Mobile and distributing the assets of said corporation among the stockholders of said institution, the trustees charged with the settlement and winding up the affairs of the bank shall be authorised and required to advertise in one or more

Summary remedy, to what case applicable.

Proviso.

Corporate name may be used after expiration of charter.

Duty of trustees in giving notice for claims to be presented by 1st November, '50.

newspapers published in Mobile, and elsewhere as they may think proper, giving notice to all persons having claims against the said bank or said trustees to present them at the office of said bank in Mobile for settlement and payment on or before the first Monday in November in the year eighteen hundred and fifty, or that they will be barred; and furthermore giving notice to all stockholders and persons owning or interested in, or claiming any part of the capital stock of said bank, or claiming any portion or share, or distribution, in any manner whatever, either at law or in equity, of the funds, property, stock, capital or assets of said bank, to present the same for adjustment and allowance, with proper vouchers and duly authenticated, and proper authority and power to receive payment and give discharges and acquittances, on or before the said first Monday in November, at the office of the said bank in Mobile as aforesaid. The said public notice shall be given and published not less than once a week for three months, and previously to the first day of August next; after which notice so given all claims whatsoever against said bank or said trustees, or the assets of said bank, not presented for allowance shall be excluded from the settlement of the affairs of said bank, and shall be forever barred, any law to the contrary notwithstanding.

Also notice to stockholders.

Claims not presented shall be barred.

Duty of trustees in selling property.

SEC. 2. *And be it further enacted*, That within thirty days after the said first Monday in November next the said trustees shall sell for cash all remaining property, claims, rights and assets belonging to said bank fund, and realize the same for the purpose of final settlement; and shall finally, so soon thereafter as possible, close, distribute, divide, settle and pay to all concerned their proper portions of the said fund in full: *Provided*, That if they think proper they may sell the said property or assets for stock and receive stock in payment, for the purposes of making settlement.

SEC. 3. *And be it further enacted*, That nothing in this act contained shall prevent the trustees from continuing to wind up and settle partially the affairs of said bank under the direction of the stockholders as heretofore authorised by law; the true meaning of this act being to provide for a final close of all unsettled business as herein provided remaining outstanding at the time above mentioned.

Powers of trustee's reserv'd and explained.

APPROVED, 12 February, 1850.

[No. 77.]

AN ACT

To apply the state tax of Tuscaloosa county to paying interest on the University fund.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter on application of the treasurer of the trustees of the University of Alabama it shall be the duty of the comptroller, in payment of interest due upon the University fund, to draw his warrant upon the tax collector of Tuscaloosa county for an amount equal to the amount of state taxes then or about to be in his hands: *Provided,* Such amount do not exceed the amount then due from the state for interest upon the University fund; and such warrant shall be paid by said tax collector, and shall on his settlement with the treasurer be received as so much money.

APPROVED, 13 February, 1850.

[No. 78.]

AN ACT

To provide for the erection of tomb-stones over the remains of deceased members.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the governor of the State of Alabama be, and he is hereby authorised to have erected over the graves of Philip S. Glover and Woodson Northcut, former members of the legislature of this state, suitable tomb-stones, with appropriate inscriptions thereon; and the treasurer of this state is hereby authorised and required to pay the expenses thereof upon a statement made by the governor of the cost of said tomb-stones, out of any money in the treasury not otherwise appropriated.

APPROVED, 13 February, 1850.

[No. 79.]

AN ACT

Authorising persons wishing to adopt any child or children to alter or change their names, and to make them capable of inheriting his or her estate.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That whenever any person or persons shall desire to alter or change the name of any child or children adopted by him or her, or shall desire to adopt any child or children

Governor required to have tomb-stones erected on remains of P. S. Glover and W. Northcut.

Power of circuit court.

without such change of name, so as to enable such child or children to inherit his or her estate, in the same manner as if such child or children were his or her own issue, born in lawful wedlock, it shall or may be lawful to file in the circuit or county court in the county in which he or she may reside a declaration or statement in writing setting forth the change so desired by him or her to be made, or the name or names of the child or children he or she may desire to adopt and render capable of inheriting his or her estate; which declaration or statement shall be filed in open court, signed, attested and spread upon the records of the court in the manner now provided for "legitimizing bastard children, and to authorise the change of names;" from and after which the name of such child or children shall be changed, or such child or children shall be adopted, as the case may be, and rendered capable of inheriting the estate of such person or persons, in pursuance of the desire by him or her expressed in said declaration or statement, as fully and effectually to all intents and purposes as if such child or children were the legitimate issue of such person or persons born in lawful wedlock.

SEC. 2. *And be it further enacted,* That the same fees Fees to officers. shall be paid by the party making such declaration and statement as now provided for like services by the act herein before referred to.

APPROVED, 9 February, 1850.

[No. 80.]

AN ACT

For the final adjustment of the accounts of the State of Alabama with the United States, arising from her percentage on public lands sold within her limits.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the governor of the state be requested to take into consideration the report and accompanying papers of the late agent to restate the five per cent. fund account between this state and the United States, and if upon examination by the governor aforesaid he shall be of opinion that any further balance is due to Alabama on the said five per cent. fund account, he, the said governor, is hereby authorised and required to appoint an agent on the part of the state, with power to employ an assistant and full authority to represent her rights in the premises; and for that

Duty and powers of the governor.

Shall appoint an agent.

purpose to present the claims of the state to the federal government.

SEC. 2. *Be it further enacted,* That the agent to be appointed as aforesaid be and he is hereby empowered to demand, on behalf of the state, access to the public records at the city of Washington, for the purpose of ascertaining the amount of money supposed to be due said state, and of stating an account thereof, and to present such parts of the same to the proper department of the federal government and to congress, respectively, as he shall deem necessary to secure the rights of the state.

SEC. 3. *And be it further enacted,* That all moneys established as due to the state under the agency hereby created shall be placed to the credit of this state, and made subject to the order of the governor thereof: *Provided,* That said agent shall be allowed fifteen per cent. on all moneys recovered under the agency: *And provided further,* That the officer of the government to pay the same be and he is hereby authorised and requested to pay to the said agent, or his order, the said per centage on all sums found due as aforesaid. Nothing to be paid to said agent, should nothing be recovered under his agency: *Provided,* That no amount shall be allowed or paid either for compensation or expenses other than the said fifteen per cent., which shall be in full for all allowances to the agent and all assistants by him employed, and all expenses whatsoever.

APPROVED, 12 February, 1850.

[No. 81.]

AN ACT

To amend the law regulating the state printing.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter the secretary of state shall only be required to advertise the public printing for contract in one newspaper, instead of three, as is provided for in the fifth section of the act of the 21st January, 1846, to amend the law regulating the state printing.

SEC. 2. *And be it further enacted,* That hereafter the public printers shall print, stitch and deliver to the state for distribution two thousand five hundred copies of the acts and joint resolutions of each session of the general assembly, instead of the number now fixed by law: *Provided,* The public printers shall only be entitled to pay for the

paper and press work of such additional number of copies, according to the terms of their present contract.

APPROVED, 13 February, 1850.

[No. 82.]

AN ACT

For the better protection of neat cattle in Mobile county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,*

That if any person hereafter, in the county of Mobile, shall knowingly and wilfully confine in a pen or otherwise any neat cattle not belonging to him, without the consent of the owner thereof, such person shall thereby become liable to pay to the owner of such cattle the sum of five dollars for each and every head of such cattle so confined for each day the same may be so confined, to be recovered by warrant before any justice of the peace in the said county.

Penalty on persons for penning cattle without consent of owner.

SEC. 2. *Be it further enacted,* That if any person in the county of Mobile shall hereafter knowingly and wilfully fire the woods on lands not belonging to him and on which neat cattle are accustomed to range, at any time between the first day of May and the first day of March next thereafter, such person shall be deemed guilty of a misdemeanor, and may be indicted therefor, and on conviction shall be fined for each such offence in a sum not less than ten nor more than fifty dollars, to be fixed by the jury trying the same, and may also be imprisoned, at the discretion of the court, in the jail of the county for a time not exceeding one month.

Penalty on persons firing the woods between 1st of May and 1st of March.

SEC. 3. *And be it further enacted,* That all laws and parts of laws contrary to the provisions of this act be and the same are hereby repealed.

Repeal

APPROVED, 13 February, 1850.

[No. 83.]

AN ACT

To authorise the governor to receive from the federal government a set of balances intended for an adjustment of standard weights and capacity measures, granted to this state by Congress.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the governor of the state be and he is hereby authorised and requested, as soon as practicable, to procure from

the United States the balances intended for the adjustment of standard weights and capacity measures heretofore granted to this state; and when they are received the governor is hereby required to place them under the care and direction of the faculty of the University of Alabama.

APPROVED, 4 February, 1850.

[No. 84.]

AN ACT

To legalise a certain marriage therein named.

Between Pullin
and Hail.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the marriage heretofore solemnised between Thomas Pullin and Sarah Hail, of Cherokee county, be and the same is hereby legalised and declared valid, and the issue of said marriage is hereby declared legitimate; any law to the contrary notwithstanding.

APPROVED, 6 December, 1849.

[No. 85.]

AN ACT

To legalise a certain marriage therein named.

Between Love
and Tuck.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the marriage heretofore solemnised between William C. Love and Nancy A. S. Tuck, of Benton county, be and the same is hereby legalised.

APPROVED, 29 January, 1850.

[No. 86.]

AN ACT

To legalise a certain marriage therein named, and for other purposes.

Between Cato
and Jones.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the marriage heretofore solemnised and now subsisting between John Cato and Parthenia J. Cato, his wife, formerly Parthenia J. Jones, be and the same is hereby legalised and made valid.

SEC. 2. *Be it further enacted,* That all the issue of said marriage born before the passage of this act be and the same are hereby declared legitimate to all intents and purposes.

SEC. 3. *And be it further enacted*, That the said parties be and they are hereby exempted from all pains and penalties, fines and imprisonments incurred by them, or to which they may be liable in consequence of the illegality of the said marriage.

APPROVED, 14 December, 1849.

[No. 87.]

AN ACT

To legalise a certain marriage therein named.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act the rites of matrimony heretofore solemnised and now existing between Hugh Coupland and Elizabeth Reese, of the county of Jefferson, be and the same are hereby legalised and made valid; and the said Elizabeth Reese is hereby released and forever discharged from the pains and penalties to which she may now be subject, or supposed to be subject, in consequence of her intermarriage with the said Hugh Coupland. Between Coupland and Reese.

APPROVED, 30 November, 1849.

[No. 88.]

AN ACT

To change an election precinct in Benton county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the election precinct be and is hereby changed from Elliot's Old Mill, on Nance's creek, to the Gross Plains, in Benton county. Changed.

APPROVED, 5 January, 1850.

[No. 89.]

AN ACT

To make an appropriation for the payment of the members and officers of the present general assembly.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of forty thousand dollars be and the same is hereby appropriated, out of any moneys in the treasury, for the compensation of the members and officers of the present general assembly. \$40,000 appropriated.

APPROVED, 30 November, 1849.

[No. 90.]

AN ACT

To appropriate twenty thousand dollars for the payment of the members and officers of the present general assembly.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the sum of twenty thousand dollars be and the same is hereby appropriated for the payment of the members and officers of the present general assembly, out of any money in the treasury not otherwise appropriated.

\$20,000 appro-
priated.

APPROVED, 13 February, 1850.

[No. 91.]

AN ACT

In relation to taxes illegally collected from non-residents.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That in all cases where an excess of taxes have been collected from non-residents over and above the rate of taxes imposed upon the like property of resident citizens of this state under the provisions of the act approved 5th February, 1846, shall be refunded to the person or persons from whom such excess has been collected, or to his or her legally authorised agent; and in cases where such excess has been paid under the authority of this state, the person so having paid the same, his or her agent, may present to the comptroller of public accounts the certificate of the tax collector to whom such excess has been paid, together with the certificate of the clerk of the county court of the proper county, that such assessment and payment had been made, and upon presenting such certificate it shall be the duty of the comptroller to issue his warrant upon the treasurer for the amount that such non-resident may be entitled to.

How taxes ille-
gally paid shall
be refunded.

SEC. 2. And be it further enacted, That in all cases where suits have been instituted against tax collectors for collecting of non-residents as aforesaid, for the recovery of such excess, where recovery has been had; or where suits are now pending, it shall be the duty of the comptroller, upon being satisfied that such excess had been paid by plaintiff, or his or her agent, and by such tax collector paid into the state treasury, to issue his warrant in favor of such tax collector for the amount so paid by him into the treasury, together with the amount of costs which such collector shall have been subjected in his defence; and in

Of suits against
tax collectors.

cases now pending for such costs as said defendant may have reasonably incurred at the time of the passage of this act: *Provided*, That the provisions of this act shall only Proviso. extend to cases when excess of taxes were collected during the time that the said act entitled "an act to raise an additional amount of revenue to support the state government and to maintain the faith and credit of the State of Alabama," approved February 5th, 1846, was in force.. And the commissioners' courts of the several counties of this state shall in like manner make allowances of and pay Of county taxes. according to the foregoing provisions of this act any excess of taxes assessed and collected under any levy of special or county taxes in their respective counties.

APPROVED, 11 February, 1850.

[No. 92.]

AN ACT

Authorising the quarter master general to distribute cavalry arms on the terms therein named.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the quarter master general be authorized to deliver to Malachi M. Bonham, captain commanding the volunteer company of cavalry of Wilcox county, enrolled in the return of Brigadier General John F. Conelly, as "the Wilcox Hussars," or his successor, fifty horseman's swords and fifty braces of horseman's pistols and holsters therefor: *Provided*, That said Malachi M. Bonham, Robert H. Erwin, first lieutenant, and Duncan L. McDonald, second lieutenant of said company, shall enter into bond with good security in double the value of said arms, (the value to be fixed by the quarter master general) for the safe keeping, preservation and future delivery of said arms to the quarter master general at such time as he may demand the same; that the state shall not be subject to any expense or charges on account of the delivery of any arms; said bond to be made payable to the governor of the state and his successors in office. Shall distribute arms to the "Wilcox Hussars." Bond shall be given.

SEC. 2. *Be it further enacted*, That the captain or other commanding officer of said company shall make a faithful report to the quarter master general, on or before the first Monday of November of each year, the true condition and preservation of said arms, and the solvency of said bond directed to be taken in the first section of this act. Annual reports shall be made to quarter master general.

Duty of brigadier general of sev'nth brigade.

SEC. 3. *Be it further enacted*, That it shall be the duty of the brigadier general commanding the seventh brigade, sixth division, Alabama militia, to report to the quarter master general the condition of said arms, and of the makers of said bond annually: *Provided*, That whenever he shall deem the makers and securities of said bond inadequate or insufficient, he shall require the captain commanding said company to give additional security; and on failure of said captain on reasonable notice to give such security, to take into his custody said arms, and report the fact to the quarter master general.

Provisions extended to "Mt. Polk Drago'ns"

SEC. 4. *And be it further enacted*, That all of the provisions of this act are hereby extended to the Mount Polk Dragoons of Benton county, and upon Daniel M. Walker, captain, W. W. Crook, first lieutenant, and Robert J. McGehee, second lieutenant, giving bond as required in this act, they are authorized to draw fifty horseman's swords and fifty pistols and braces as is provided.

APPROVED, 12 February, 1850..

[No. 93.]

AN ACT

To dispose of the unappropriated portion of the two per cent. fund.

Preamble.

WHEREAS by virtue of sundry acts of the general assembly of this state a portion of the fund known as the two per cent. fund has been disposed of in the following manner, that is to say, the sum of one hundred and sixteen thousand dollars, or thereabouts, loaned to the Montgomery and West Point rail road, and one half of the entire fund appropriated to aid in the construction of a rail road from the Alabama to the Tennessee river.

How the remainder of two per cent. fund shall be disposed of.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the remainder and residue of said two per cent. fund with its accumulations, together with so much of what the state may be entitled to on account of said fund from any source at the passage of this act, as is yet undisposed of, shall be and is hereby authorised to be loaned by the governor to such company or companies as may have been or hereafter shall be chartered by the state, and organised to construct a rail road or plank road extending any portion of the route from Cahawba in the direction of Jackson, Mississippi, each company to receive in proportion to

the amount of the money and the distance its portions of road may extend, compared with the whole distance from Cahawba to the Mississippi line: *Provided*, That no such company shall be entitled to draw said money until one-fifth of the road it was chartered to construct has been graded. Proviso.

SEC. 2. *And be it further enacted*, That on producing satisfactory evidence to the governor by any such company, that it has been duly chartered and organised, and that it has graded one-fifth of its portion of the route, the governor shall authorise said company to receive its proportion of the money by proper orders upon the officers having the fund, in the same manner and on the same conditions and upon complying with the same terms as was authorised and required in respect to the loan made to the Montgomery and West Point rail road company, according to the first, fourth, fifth, sixth, seventh and tenth sections of an act entitled "An act to loan the two per cent. fund to the Montgomery and West Point, and Tennessee and Coosa rail road companies, approved 23d of January, 1845." Power of governor in authorizing payment of two per cent. fund.

APPROVED, 9 February, 1850.

[No. 94.]

AN ACT

To appropriate the unappropriated part of the two per cent. fund, and a portion of the three per cent. fund.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That so much of the two per cent. fund with its accumulations, together with so much of what the state may be entitled to on account of said fund from any source at the passage of this act, as shall amount to but not exceed in the aggregate the one-half of the entire fund; and also, so much of the three per cent. fund as is now available or on special deposit, together with so much of the same fund as this state is entitled to or may be at the passage of this act, and not heretofore received, not exceeding one hundred thousand dollars of the said three per cent. fund, be and the same is hereby set apart and appropriated to aid in the construction of a rail road from the Alabama to the Tennessee river as hereinafter designated; that is to say: A rail road to extend from the Alabama river, at or near the town of Selma, in the county of Dallas, through portions of the counties of Dallas, Perry, Bibb, Shelby, (by way of

Amt. appropriated of the two per cent. fund not to exceed one-half of that fund, and of the three per cent. fund not to exceed \$100,000, to construct a rail road from the Alabama to the Tennessee river.

Montevallo,) Talladega, Benton and Cherokee, to the Coosa river above the "Ten Islands," at or near the town of Gadsden, so as there to unite with the rail road to be constructed by the Tennessee and Coosa rail road company, incorporated by the act entitled "An act to incorporate the Tennessee and Coosa rail road company," approved 16th January, 1844, for the purpose of making a continuous and unbroken chain of rail road from the Alabama to the Tennessee river.

Fund to be divided into three parts, and applied to three several sections of the road.

SEC. 2. *Be it further enacted,* That said fund shall be divided into three parts for the benefit of the three sections of said rail road as hereinafter specified; that is to say: The first section shall extend from the Alabama river to the Coosa river, in the direction of the town of Talladega, in the county of Talladega, where the road may cross from the county of Shelby into the county of Talladega; the second section shall extend from the point last designated on the Coosa river to Gadsden; the third section shall extend from the Coosa river from Gadsden to the Tennessee river. The said funds, appropriated by this act, shall be allotted *pro rata* to the said three sections according to distance, and shall be applied or used in the construction of said rail roads through each section respectively: *Provided, however,* That the said first, second and third sections shall not receive their proportion of said funds until satisfactory evidence is produced to the governor that as much as one-fifth part of said sections respectively has been graded: *And provided further,* That the portion to which section two shall be entitled shall not be paid over until desired by the stockholders representing a majority of the stock of the Alabama and Tennessee river rail road company, which may be subscribed for by persons residing in the counties of Talladega, Benton and Cherokee: *And provided further,* That no part of said funds shall be paid over until the conditions stipulated in the next section of this act shall have been complied with.

Proviso.

Money to be paid over when certain conditions have been complied with.

SEC. 3. *Be it further enacted,* That the treasurer, bank commissioner, or other officer in whose charge the funds may be of the state of Alabama, shall pay over to the president and directors of the Alabama and Tennessee river rail road company that portion of the funds by this act appropriated, to which the first section of said rail road as designated may be entitled whenever certified by the governor that the conditions and stipulations of this act in relation to the same have been complied with; and shall pay over to the said president and directors the portion of the same

funds to which the second section of said rail road as designated may be entitled on like certificate from the governor; and shall pay over to the president and directors of the Tennessee and Coosa rail road company the portion of the same funds to which the third section of said rail road as designated may be entitled on like certificate from the governor: *Provided*, That in each case bond or bonds in an amount equal to the sum of money so paid to said president and directors, with good and sufficient security, to be approved by the governor, shall be given, payable to the governor of the State of Alabama and his successors in office, conditioned that the funds in each instance received shall be faithfully used and applied in and about the construction of that section of said rail road to which the said fund as received is by this act appropriated, together with an equal amount to be contributed by stockholders, either in money, labor, materials, or provisions, within five years from the time said funds in each instance may be paid over; and it shall be the duty of the governor in each instance to certify to the treasurer, bank commissioner, or other officer in whose charge the funds may be whenever the foregoing provisions and stipulations of this act shall have been complied with.

Proviso—bonds to be given for the faithful application of the funds.

SEC. 4. *Be it further enacted*, That said Alabama and Tennessee river rail road company shall have the right and privilege to extend their road across the river at Gadsden, and connect with any railroad which may be constructed from the Tennessee river by the Tennessee and Coosa rail road company, or any other company, so as to form a continuous line of rail road from the Tennessee to the Alabama river.

Right to cross river at Gadsden, and to connect with other roads.

SEC. 5. *Be it further enacted*, That the Alabama and Tennessee river rail road company may form a union with the company which may form under the act incorporating the Tennessee and Coosa rail road company; approved 16th January, 1844, on such terms and conditions as may be agreed on by and between the presidents and directors of said companies, and sanctioned by stockholders representing as much as two-thirds of the stock of said companies respectively; and on making such union, the said companies shall be regarded and held as one and the same, under the name of the Alabama and Tennessee river rail road company, and so united shall be entitled to all the privileges, immunities and advantages, and be liable to all the conditions, stipulations, regulations and restrictions contained in the act incorporating the said Alabama and Tennessee river rail road company, approved 4th March, 1848.

May form a union with Tennessee and Coosa rail road co.

SEC. 6. *Be it further enacted*, That the State of Alabama shall be entitled to receive from said companies respectively certificates of stock for amounts equal to the sums which may be paid to said companies by virtue of this act; and shall be entitled to receive on said certificates the same rate of dividend, to be paid at the same time as may be declared and paid on the rest of the stock of said rail road companies: *Provided*, That the state shall in no event be bound for any debt or default of said rail road company.

SEC. 7. *And be it further enacted*, That the said company may continue the road to any point in the State of Alabama north of the Tennessee river: *Provided further*, That said company shall have no power to do any act whereby the interest of the State of Alabama in said road shall be prejudiced or impaired either by mortgage or otherwise: *Provided*, That any rail road that may be constructed under the authority of the State of Alabama shall have the right to connect with said rail road.

APPROVED, 4 February, 1850.

[No. 95.]

AN ACT

To provide for building a state house at the city of Montgomery.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That a sum of money not exceeding sixty thousand dollars be and the same is hereby appropriated to rebuild the state house recently destroyed by fire in the city of Montgomery, or to build a new one on the site of the one so destroyed, as the commissioners hereinafter to be appointed shall deem most available.

SEC. 2. *And be it further enacted*, That two competent persons shall be elected by the legislature, who, together with the governor, shall constitute a board of commissioners, with full power to make all the necessary contracts with architects and builders, for the rebuilding the state-house, or for building a new house as provided for in the first section of this bill.

SEC. 3. *And be it further enacted*, That the said board of commissioners be and they are hereby required to proceed forthwith to make all necessary arrangements for the pur-

State entitled to receive certificates of stock.

Proviso—State not bound for any debt or default.

A sum not exceeding \$60,000 appropriated.

Two com'rs to be elected, who with the gov. shall form a board.

Duty of com'rs.

pose of carrying into effect the foregoing provisions of this act.

SEC. 4. *And be it further enacted*, That the house so ^{Where have to be built.} erected for a state house, shall be built on the same foundation of the one just destroyed, and on the same place as nearly as practicable.

SEC. 5. *And be it further enacted*, That the commissioners shall be required to have the said state house ^{When to be completed.} completed and finished, ready for the reception of the legislature and state officers by the first day of October, 1851; and they are fully empowered to take bonds, articles and agreements, or other necessary writings from persons who may undertake the building of said house, so as to compel the undertaker of said building to perform the work in a good manner and by the time specified.

SEC. 6. *And be it further enacted*, That the comptroller shall issue his warrant on the state treasurer for such sum ^{Payments by Comptroller.} or sums and at such time or times as a majority of the said commissioners shall direct for the purposes hereinbefore set forth: *Provided*, The said sum or sums in the aggregate shall not exceed sixty thousand dollars.

APPROVED, 11 February, 1850.

[No. 96.]

AN ACT

Supplemental to an act making appropriations to establish to [the] state house at Montgomery.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That no person who may be a commissioner or architect under the provisions of a bill to which this is a supplement shall be interested either directly or indirectly in any contract for building the state house or furnishing materials therefor; and said commissioners shall take an oath to this effect before they enter on the discharge of their duties.

SEC. 2. *And be it further enacted*, That in the construction of said state house the commissioners are hereby authorised to construct the hall of the house of representatives, and the senate chamber, and the supreme court room, on the new established principles of Acoustics; any thing in the act to which this is a supplement to the contrary notwithstanding.

APPROVED, 13 February, 1850.

[No. 97.]

AN ACT

To amend the laws relating to the Bank of Mobile.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of the thirteenth section of the act entitled "An act to extend the time of indebtedness to the Bank of the State of Alabama and its branches, and legalising the suspension of specie payments of the same, and for other purposes," approved, June 30, 1837, as restricts the Bank of Mobile, so that its debts and liabilities shall in no case exceed double the amount of its capital, be and the same is hereby repealed; and that the provisions of the eighth section of the original charter of said bank be restored as if said act of the 30 June, 1837, had not passed: *Provided,* That the general assembly of this state shall have the right to repeal this act at any time hereafter, if it shall be deemed necessary or proper.

APPROVED, 12 February, 1850.

[No. 98.]

AN ACT

To authorise the state treasurer to purchase an iron safe.

May purchase
iron safe.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the state treasurer be authorized to purchase an iron safe suitable for the better protection and safe-keeping of the state funds, and that he be authorised to pay for the same from any money in his hands as treasurer not otherwise appropriated.

Where public
moneys may be
deposited.

SEC. 2. *And be it further enacted,* That the treasurer, with the assent of the sureties in his official bond, be authorised to deposit the state funds in the branch bank at Montgomery, and that nothing in this section contained shall release his securities on his official bond from any liability now imposed by law.

APPROVED, 11 February, 1850.

[No. 99.]

AN ACT

To increase the salary of the comptroller of public accounts.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts shall be

entitled to receive for his salary, and in lieu of clerk hire, the sum of two thousand dollars annually, beginning on the 27th day of January, 1850, payable quarterly, by the state treasurer upon the comptroller's warrant and receipt for the same. Salary increased in lieu of clerk hire to two thousand dollars

SEC. 2. *And be it further enacted,* That books shall be kept in the comptroller's office, in which all the accounts relating to the sixteenth sections, and of the two and three per cent. funds, the condition of which funds respectively shall be attached to the comptroller's biennial report to the legislature. Certain books shall be kept by him.

APPROVED, 11 February, 1850.

[No. 100.]

AN ACT

To alter and amend the several acts prescribing the duties of the clerk of the supreme court.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That when any of the records of the cases decided in the supreme court are bound in accordance with the provisions of the seventh section of said act, and an account for the value thereof is presented to the judges of the supreme court, and if the same is approved by any two of the said judges, said account so approved may be deposited with the comptroller of public accounts, who shall draw his warrant on the state treasurer for the amount of such account.

APPROVED, 12 February, 1850.

[No. 101.]

AN ACT

To attach the county of Choctaw to the Sumter chancery district.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act the county of Choctaw shall be attached to and form a part of the third district of the southern chancery division; and that the chancery courts for the counties of Sumter and Choctaw shall be held at the court house of Sumter county, as now provided by law for holding the chancery court of Sumter county. Choctaw co. attached to Sumter chancery district.

APPROVED, 9 February, 1850.

[No. 102.]

AN ACT

Providing for an additional term of the chancery court in the county of Macon.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter the chancellor of the middle chancery division of this state, besides the term of the chancery court held in Macon county in May, as now provided for by law, shall hold a term of said court on the third Monday in November in each and every year, and shall hold said term for two weeks unless the business therein pending be sooner disposed of; and all laws in conflict with this act be and the same are hereby repealed.

APPROVED, 9 February, 1850.

[No. 103.]

AN ACT

Requiring the judge of the second judicial circuit to continue the court two weeks for the county of Coosa at the next term, provided it shall be necessary to complete the business of said court.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the next term of the circuit court of Coosa county may and shall be continued and held for two weeks, unless all the business before the court shall be sooner disposed of.

APPROVED, 21 January, 1850.

[No. 104.]

AN ACT

To extend the term of the circuit court of Tallapoosa county to two weeks.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the circuit court for the county of Tallapoosa shall commence on the seventh Monday after the first Monday in March and September, and shall continue in session for the term of two weeks if necessary to dispense with the business before said court.

SEC. 2. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act be and the same are hereby repealed.

APPROVED, 6 December, 1849.

[No. 105.]

AN ACT

To authorise the holding of an extra term of the chancery court for the twentieth chancery district.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the chancellor of the middle chancery division, or any other chancellor in this state, is hereby authorised to hold an extra term of the chancery court for the twentieth chancery district in this state, to commence on the third Monday in February next and to continue until the business before said court is disposed of; and subpoenas to answer, or other chancery process, may be returnable to such extra term under the same rules and regulations and with the same jurisdiction in said court as though it were a regular term; and the register of said district shall cause thirty days' previous notice thereof to be given by advertisement in some newspaper published in the town of Marion. Chancellor authorised to hold extra term for 20th district.

SEC. 2. *And be it further enacted,* That all cases which would have stood for trial at the last regular term of the chancery court for said district, if the same had been held, shall stand for trial at the said extra term authorised by the preceding section of this act: *Provided,* That said cases may be continued, on good cause shown, until the next regular term of said court. Cases, how disposed of.

APPROVED, 19 January, 1850.

[No. 106.]

AN ACT

To change the time of holding the winter term of the county court of the county of Conecuh.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act the winter term of the county court for the county of Conecuh be held on the third Monday in January in each and every year. Changed.

SEC. 2. *And be it further enacted,* That all process heretofore issued or which may hereafter be issued returnable to said court at the time now prescribed by law, shall be deemed and held returnable to said court at the time fixed in this act. Process.

APPROVED, 2 February, 1850.

[No. 107.]

AN ACT

To change the time of holding the circuit court in the counties of Shelby and St. Clair.

Changed.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Fall term of the circuit court of Shelby county shall commence on the last Monday in August, in the year 1850, and continue two weeks; and in the county of St. Clair on the second Monday in September of said year, and continue one week.

Restriction.

SEC. 2. *Be it further enacted,* That this act shall only apply to the Fall term, 1850, and afterwards be as heretofore prescribed by law.

APPROVED, 12 February, 1850.

[No. 108.]

AN ACT

To change the time of holding the winter term of the county court of Sumter county.

Changed.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act the time of holding the winter term of the county court of Sumter county shall commence and be on the fourth Monday in January in each and every year, and not on the third Monday in said month as heretofore.

Repeal.

SEC. 2. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act be and the same are hereby repealed.

APPROVED, 29 January, 1850.

[No. 109.]

AN ACT

To change the times of holding the county courts of Lowndes county and for other purposes.

Changed. ;

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter the terms of the county court of Lowndes county shall be held on the second Mondays of February and August, instead of the times now prescribed by law: *Provided,* That all process heretofore issued or which may hereafter issue and made returnable to the former terms of said court shall be returnable to the terms as in this act expressed.

SEC. 2. *Be it further enacted*, That hereafter it shall not be lawful for tales jurors in said county of Lowndes to charge twenty-five cents each for each cause by them tried, any law, usage or custom to the contrary notwithstanding; but each juror shall be compensated pursuant to the provisions of the general laws in force relating thereto. Jurors restricted

APPROVED, 1 February, 1850:

[No. 110.]

AN ACT

To change the times of holding the county courts of the counties of Marion and Fayette.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the county courts of Marion county shall hereafter be holden on the third Mondays of February and August; and that the county courts of Fayette county shall hereafter be holden on the first Mondays in March and September, and each of said courts may continue one week as heretofore. Changed.

SEC. 2. *And be it further enacted*, That all writs, subpoenas and other papers made returnable to either of said courts shall be returned to said courts at the times specified in the first section of this act, and shall be as effectual as if returned to said courts at the times which they are now holden. Process.

SEC. 3. *And be it further enacted*, That all laws contravening the provisions of this act are hereby repealed. Repeal

APPROVED, 31 January, 1850.

[No. 111]

AN ACT

To change the time of holding the circuit court of Benton county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That from and after the passage of this act the circuit court of Benton county shall commence on the fourth Monday after the fourth Mondays in March and September, and continue until the business is finished. Changed.

SEC. 2. *And be it further enacted*, That all executions, writs, subpoenas and process of every kind made returnable to any of the said circuit courts at the terms now pro- Process.

vided by law shall be and the same are hereby made returnable to said courts at the times prescribed by this act.

APPROVED, 7 February, 1850.

[No. 112.]

AN ACT

To change the time of holding the chancery courts of the counties of Franklin and Lauderdale.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the chancery court for the county of Franklin shall be held on the first Monday in May, and for the county of Lauderdale on the second Monday in May, in each year; and said chancery court of Lauderdale shall continue in session for two weeks, unless the business be sooner disposed of.

SEC. 2. *And be it further enacted,* That all process heretofore issued or which may hereafter be issued, returnable to either of said chancery courts at the time now prescribed by law, shall be held returnable to said courts at the time directed by this act for holding the same; any law to the contrary notwithstanding.

APPROVED, 5 February, 1850.

[No. 113.]

AN ACT

To change the time for holding the county courts of Limestone and Pike.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act the county court for the county of Limestone shall be held on the third Mondays in June and December, in each and every year; any law to the contrary notwithstanding.

SEC. 2. *Be it further enacted,* That hereafter the regular terms of the county court of Pike county shall begin and be holden as follows, to-wit: The Winter term on the first Monday in January, and the Summer term on the first Monday in July in each and every year, and each term to continue from day to day till the business is disposed of. And all process made or hereafter to be made returnable to the first Monday in June, A. D., 1850, shall be deemed and construed to be returnable to the first Monday in July, A. D. 1850.

APPROVED, 29 January, 1850.

[No. 114.]

AN ACT

To authorise the comptroller to settle the tax due by the Montgomery and West Point Rail Road Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That upon oath being made by the president of the Montgomery and West Point rail road company of the number of shares of capital stock held in said company, at the periods of assessment made under the act "To provide for the assessment and collection of taxes," approved, 6th March, 1848, the comptroller is hereby authorised and directed to receive from said company one-fourth of one per cent. for each tax year, and back interest on such sum as has not been paid at the proper time, on the amount of said capital stock, in accordance with the provisions of the 84th section of said act, deducting therefrom the sum or sums paid by individual stockholders; as the tax on their stock in said company.

Comptroller
shall settle upon
oath of presi-
dent.

APPROVED, 14 January, 1850.

[No. 115.]

AN ACT

To amend the charter of the Montgomery and West Point Rail Road Company.

SEC. 1. *-Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the time prescribed to the Montgomery and West Point rail road company for the completion of their road by the third section of the act entitled "An act to amend the charter of the Montgomery rail road company and for other purposes," approved February 13th, in the year 1843, be and it is hereby extended to the first day of January, in the year 1852.

Time for com-
pletion extend-
ed.

SEC. 2. *And be it further enacted,* That the annual meetings of the stockholders of said Montgomery and West Point rail road company shall hereafter be holden on the second Monday in April in each and every year.

Annual meet-
ings of the stock-
holders.

SEC. 3. *And be it further enacted,* That the exclusive right granted to said company according to the eleventh section of the act of incorporation of the Montgomery rail road company, approved the fifteenth day of January, in the year 1834, by the act first aforesaid, or by any other act, of making or using rail roads and locomotive engines

Repeal of act
giving exclusive
rights.

between the waters of the Alabama river and the Chattahoochee river, or between either of said rivers and the Tennessee river, or between the latter river and any point along the Montgomery and West Point rail road, be and such exclusive right is revoked and abrogated : *Provided*, Nothing in this section or act contained shall be construed as admitting or recognising any right or authority in the aforesaid company to interfere with or oppose any other rail road or work of internal improvement for which a charter has heretofore been granted.

Does into effect. SEC. 4. *And be it further enacted*, That this act shall not go into effect until from and after the first day of January, in the year eighteen hundred and fifty.

Depot at West Point. SEC. 5. *Be it further enacted*, That said rail road company shall keep a depot for the reception and delivery of freights at or in the vicinity of West Point on the west side of the Chattahoochee river.

APPROVED, 31 December, 1849.

[No. 116.]

AN ACT

To amend and explain an act entitled "An act to incorporate the Mobile and Ohio Rail Road Company."

May condemn lands for depots. SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That whereas doubts have arisen whether the said corporation by the act of incorporation aforesaid is entitled to condemn to its uses lands for depots, turn outs, work shops, and other purposes connected with the rail road therein projected, it is hereby declared that it is the intent and meaning of the said act so to provide ; and the said corporation is hereby authorised to enter upon, and to have hold and enjoy at the city of Mobile, conveniently to the terminus of the road, a parcel of land not exceeding fifty acres, for depots, turn outs, work shops, and other purposes, and at other points of the road ten acres for the same purposes, to be paid for to the owner of the land ; and in the event that the owner shall not be able to agree with the said corporation upon the value of the lands in the quantities aforesaid, *Value. how ascertained.* the said corporation shall proceed to assess the value according to the 8th and 9th sections of the act of incorporation : *Proviso.* *Provided, nevertheless*, That this section shall not be construed so as to limit the corporation to holding land in larger quantities than is herein mentioned, but simply that the

said corporation shall not be empowered to condemn to its use without the consent of the owner larger bodies than is herein specified for the uses aforesaid.

SEC. 2. *And be it further enacted,* That the said corporation be and it is hereby authorised to purchase, hold, and to dispose of real and personal estate, to borrow money, to make contracts for the loan of money, and to give evidences of debt and securities for the payment of the same by pledge, mortgage or otherwise as it shall deem necessary and proper. Powers enlarged.

SEC. 3. *And be it further enacted,* That for the purposes of facilitating the construction of the road the mayor, aldermen and common council of the city of Mobile be and the same are hereby authorised to levy special and separate tax upon the real estate lying within the limits of said city annually till the sum of three hundred thousand dollars is levied and paid to the said Mobile and Ohio rail road company: *Provided, however,* That only twenty-five cents upon every hundred dollars' worth of property shall be collected in any one year.

SEC. 4. *And be it further enacted,* That the tax specified in the third section shall be assessed and collected by the corporate authorities of the city of Mobile in the same manner as other taxes are assessed and collected under the laws and ordinances in force in said city; and that all the powers for assessment and collection vested in the said municipal authorities for the assessment and collection of city taxes shall be held and taken to extend to the assessment and collection of this tax; and the bonds now taken for the security of the collection and payment of the taxes, or to provide against defaults from any of the municipal officers, shall be deemed to embrace this tax as other city taxes. Powers of mayor, aldermen of Mobile. Tax, how assessed and collected.

SEC. 5. *And be it further enacted,* That the name of all the persons who shall pay assessments under this act with the amount of their payments shall be preserved by the municipal authorities of the city of Mobile in a well bound book, copies of which shall be returned annually to the Mobile and Ohio rail road company, and that whenever any person shall have paid the sum of one hundred dollars he shall be entitled to a certificate for one share of stock in the said rail road company. And the parties who shall have made payment shall be authorised to assign their claims, and that whenever any person shall have claims as assignee or otherwise, amounting to one hundred dollars, he shall in like manner be entitled to a certificate for one share of stock, and so for every hundred dollars that he shall be entitled to or shall have paid under the foregoing sections of this act. Names of tax payers shall be preserved. Certificates of stock shall issue

SEC. 6. *And be it further enacted,* That the moneys collected by the tax collector of the city of Mobile under this act shall be paid directly to the treasurer of the rail road company, after deducting two per cent. for the fees of collection; and all suits for a default in the assessment, collection or payment of the taxes shall be for the use of said rail road company.

SEC. 7. *And be it further enacted,* That before the corporation of Mobile shall be entitled to levy the tax aforesaid, an election shall be held at the court house of the said city to ascertain the sense of the owners of real estate thereupon, which election shall be conducted under the authority of said corporation, after a notice of thirty days by advertisement in one of the city papers of the said city; that at the said election none shall be entitled to vote except the owners of freehold estates in the said city, or tenants under leases for a term of five years and upwards; and guardians shall be entitled to vote on the estates of their wards. And if at the said election three-fifths of the votes taken shall be in favor of this law, the third, fourth, fifth, sixth and seventh sections of this act shall be operative, and the corporation shall be authorized to assess and collect the tax hereby provided for by the same; and it shall be the duty of the corporate authorities of the said city to preserve the returns of said election, and to record the result on the minutes of the said corporation.

APPROVED, 5 January, 1850.

[No. 117.]

AN ACT

To incorporate the Eufaula and Mobile Rail Road Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Edward B. Young, Selden S. Walkley, William L. Cowan, Cullen Battle, Reuben C. Shorter, John Hart, John G. Shorter, Eli S. Shorter, Clayton R. Woods, David Hall, Wesley Thomas, James L. Pugh, Ransom Godwin, Charles D. Laney, Lafayette Stowe, Lewis J. Leaird, John McNabb, Bertram J. Hoole, A. M. Sanford, B. T. Treadwell, Duncan McNabb, John Colby, Americus C. Mitchell, John L. Hunter, L. C. Harrison, N. M. Hyatt, Abner McGehee, Milton A. Browder and John Cochran, or such of them as shall accept of this charter, with their associates, successors and assigns, are constituted a body politic and corporate by the name of the Eufaula and Mobile

Tax collected shall be paid to treasurer of rail road.

Election shall be held in Mobile to decide whether tax shall be levied.

Names of corporatees.

rail road company, and by that name to sue and be sued, Name and style. plead and be impleaded in any court of this state, to make and have a common seal, and the same to break, alter or renew at pleasure; and said corporation is hereby vested with all powers, privileges and immunities which are or Corporate powers. may be necessary to carry into effect the purposes and object of this act; and said company is hereby authorised and empowered to locate, construct and finally complete a single, double or treble rail road or way from some suitable point in or near the town of Eufaula in Barbour county to the city of Mobile, or some other suitable point on Mobile bay, or on some water course emptying into said bay, in such route as shall be deemed most expedient; and to transport, take and carry property and persons upon said road by force of steam, of animal or other power, or of any combination of them. Said corporation is authorised to lay out said road, not exceeding one hundred feet wide, through the whole length, and for the purposes of depots, cuttings and embankments and necessary turn outs, and to obtain stone, gravel and earth may take as much more land as may be necessary for the construction and security of said road, with permission to make any lawful contract with any other rail road corporation or other person in relation to the business of said first named corporation, and also to make joint stock with any other rail road corporation: *Provided*, That all damages that may be occasioned to any person by the taking of any such land or materials as aforesaid shall be paid for by said first named corporation in manner hereinafter provided for.

SEC. 2. *Be it further enacted*, That all the parts, provisions, clauses and sections of an act entitled "An act to incorporate the Mobile and Ohio rail road company," approved February the 3d, A. D., 1848, except the first section of said act, be and the same are hereby made applicable to said first named corporation and are made a part of this act as fully as if the same were herein fully set forth and repeated: *Provided*, That any incongruity thereby appearing shall be construed in reference to the scope and intent of this act and so as to promote the object thereof: *And provided also*, That the corporation hereby created shall not have power to construct or use any branch road from said main route connecting the same with Pensacola, or any other seaport in Florida, unless said main route as allowed by this act shall be fully completed and in use for traveling and transportation.

Application of powers of an act therein named.

SEC. 3. *Be it further enacted*, That the corporation Roads may be hereby created and the Girard rail road company may unite united. their routes and roads at any point and on any terms they may agree upon.

APPROVED, 12 December, 1849.

[No. 118.]

AN ACT

To incorporate the Tallapoosa and Coosa Rail Road Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That N. E. Benson, F. M. Gilmer, jr., William Knox, Commissioners to open books Thomas M. Brownell, and H. M. Marks, of Montgomery for subscriptions. county; M. J. Bulger, J. J. Holly and J. R. Slaughter, of Tallapoosa county; Joseph H. Bradford, Mark E. Moore, and Boling Hall, of Coosa county; Miles W. Abernathy E. L. Woodward and John D. Hoke, of Benton county; be and they are hereby appointed commissioners, any three of whom may act and do all business necessary to be done under this act preparatory to the organization of the "Tallapoosa and Coosa Rail Road Company," and they shall open books of subscription for the capital stock of said company, at such times and places, and with such notice, not less than thirty days, as they may think proper.

SEC. 2. *And be it further enacted*, That the capital stock of said rail road company may be one million of dollars, in shares of fifty dollars each, with the privilege of increasing to one million and a half, should said increase be found necessary for its construction and future management.

SEC. 3. *And be it further enacted*, That the said rail Route of road. road shall extend from the city of Montgomery, or from such point on the Montgomery and West Point rail road as may be selected by the company hereby incorporated, to the town of Gadsden on the Coosa river, or to some eligible and convenient point on the Alabama and Tennessee river rail road, as may be selected by the said company hereby incorporated; and that said company shall have the privilege of connecting their road with said Montgomery and West point rail road, and with said Alabama and Tennessee river rail road, and with the Alabama and Georgia rail road company, or of crossing either of said roads, if, upon the survey and location of the route, the said company may deem it necessary to do so: *Provided*, That any rail road

Previsto.

or plank road company that is now or may hereafter be chartered by the state of Alabama shall have the right to cross or connect with said rail road: *Provided*, That said Coosa and Tallapoosa rail road may connect with the Alabama and Georgia rail road company.

SEC. 4. *Be it further enacted*, That any rail road that may be incorporated commencing at Wetumpka, shall have the right of connecting with the road incorporated by this act, and the said road shall have no power to discriminate against such connecting road on freight or passengers.

SEC. 5. *And be it further enacted*, That as soon as one hundred thousand dollars shall have been subscribed to the capital stock of said company, the subscribers of said stock, their successors and assigns shall be and they are hereby declared to be incorporated into a company by the name of "The Tallapoosa and Coosa Rail Road Company," and by that name shall be capable in law of purchasing, holding, leasing, selling and conveying real and personal property, so far as shall be necessary for the purposes of this incorporation; and by said incorporated name may sue and be sued, plead and be impleaded, answer and be answered unto in any court of law or equity in this state or elsewhere; and to have and use a common seal, and the same to alter or amend at pleasure, to pass such by-laws, rules and ordinances, for the good government of said corporation, as to them may seem proper, and generally do all things necessary to carry into effect fully and completely the objects of this act.

SEC. 6. *And be it further enacted*, That as soon as fifty thousand dollars shall have been subscribed, the commissioners hereby appointed shall call a general meeting of the subscribers at such time and place as they may appoint; and at such meeting the said subscribers, or a majority of them in value, shall elect nine directors, by ballot, to manage the affairs of said company; and the commissioners as aforesaid, or any three or more of them, shall be judges of said first election of directors; and the directors thus chosen shall elect among themselves a president of said company, and allow him such compensation as they may think proper, and on all occasions whenever a vote of stockholders shall be necessary to be taken each stockholder shall be allowed one vote for every share owned by him or her, and any stockholder may depute any other person to vote and act for him or her, as his or her proxy.

SEC. 7. *And be it further enacted*, That the president and directors of said company shall be chosen annually by

the stockholders of said company; and if any vacancy shall occur by death, resignation or otherwise, of any president or director before the year for which they are elected shall have expired, such vacancy shall be filled by the president and directors, or a majority of them; and that the president and directors shall hold their office until their successors are chosen and qualified; shall have power to call meetings of stockholders at any time; and a majority of stockholders shall have power to remove the president or any director, and to fill all vacancies occasioned by removal at pleasure.

President and directors may appoint officers. SEC. 8. *And be it further enacted,* That the said president and directors, or a majority of them, may appoint all such officers, engineers, agents or servants whatsoever, as they may deem necessary to carry on the business of said company, and may dismiss them at pleasure, and a majority of them shall determine the compensation of all officers, engineers and servants of said company; shall have power to pass all by-laws which they may deem necessary and proper for exercising all the powers vested in this company for carrying into effect the objects of this act: *Provided only,* That such by-laws shall not be contrary to the laws of this state or of the United States; and said president and directors, or a majority of them, are empowered to borrow money to carry into effect the objects of this act; to issue certificates or other evidences of such loan, and to pledge the property of said company for the payment of the same with interest.

Powers of president and directors in regard to stock subscribed. SEC. 9. *And be it further enacted,* That the said president and directors shall have power to require the stockholders of said company to pay such instalments on their respective shares of stock in said company, and at such time, as they may think best for the interest of said company; and upon the failure or refusal of any stockholder to pay the instalment required on his, her or their stock, in pursuance of any call made by said president and directors as aforesaid, said president and directors may, upon giving thirty days' notice, proceed to sell at public sale the share or shares of said stock owned by such shareholder, or such part as they may think proper, to the highest bidder; and if upon the sale of the shares of said stock owned by said defaulting stockholder, said stock should be sold for less than the amount due upon instalments as above mentioned, said stockholders shall be liable to pay to the said company the deficiency in manner and form hereafter specified.

SEC. 10. *And be it further enacted,* That upon the failure or refusal of any stockholder to pay any instalment called for or demanded by the president and directors of said company, or if upon the sale of said shares as before specified they shall be sold for less than the amount due upon instalments as above mentioned, the president and directors, upon giving twenty days' notice to said defaulting stockholder, may proceed by their attorney to move the circuit court of the county in which said stockholder may reside for judgment against the said stockholder for the amount called for by the president and directors of said company, or, as the case may be, for any deficiency that may occur on the sale of said stock as above specified; and said court is hereby authorised and empowered and required to render judgment against the defaulting stockholder at the same term of the court at which said motion is made, which judgment so given shall be a lien on the real property of the said stockholder; and execution shall issue as upon other judgments for the amount of said judgment and cost; and all notices hereby required to be given to any defaulting stockholder shall be issued by and in the name of the secretary to the board of directors, and served by the sheriff of the county in which the stockholder may reside, and shall be returned to the office of the clerk of the court as in cases of common writs; and the sheriff shall be entitled to one dollar for serving said notice, which with all costs that may accrue on said proceedings shall be paid by the party against whom judgment may be rendered.

On failure of stockholders to pay stock.

SEC. 11. *Be it further enacted,* That the president and directors of said company are hereby authorised to contract for and receive conveyances of land, stone, timber and wood, which may be necessary or required in the construction of said rail road; and when the owner and company cannot agree upon the price, or when the owner is an infant, non-resident, or *non compos mentis*, then it shall be lawful for the president and directors of said company to apply to the sheriff of the county in which said land or other property may be situated, who shall summon a jury of seven disinterested freeholders, a majority of whom shall be authorised to assess the damages and return their award or judgment to the next term of the circuit court for the county in which said land or other property may be situated, which shall be entered by the clerk as the judgment of the court, and execution may issue thereupon for the amount of said judgment and costs: *Provided always,* That if either party shall, upon the return thereof, be dissatisfied, they may, upon filing bond with good and suffi-

Pres. and directors may contract for land and materials.

Value, how ascertained.

cient security in such sum as the court may order, be allowed an appeal to the next term of the circuit court, where said case shall stand for trial *de novo*: *Provided also*, Thirty days' notice shall be given to the opposite party, issued by the clerk of the court and served by the sheriff of the county.

Oath of jurors. SEC. 12. *Be it further enacted*, That the jurors trying said case shall take the following oath, which oath the sheriff is hereby authorised to administer: You and each of you do swear (or affirm as the case may be) that you will well and truly try the case now pending and submitted to your decision, between A. B. complainants and the president and directors of the Tallapoosa and Coosa railroad company, defendants; and that you will take into consideration the advantages and value which the construction of the rail road may give to lands or other property, as well as the injury said lands or other property may sustain by its construction through or near which it may be constructed: so help you God.

Effect of verdict and judgment. SEC. 13. *And be it further enacted*, That the said lands or other property when so condemned and estimated as aforesaid shall enure to and become the property of said company, so far as is provided in the eighteenth section of this bill, upon the payment by said company of the amount assessed by said jury to the party claiming damages on account of the construction of said road through said lands, or for such other property: *Provided*, That said works shall in nowise be delayed on account of the proceedings had as aforesaid.

Penalty for injuring road. SEC. 14. *And be it further enacted*, That in case any person shall wilfully and maliciously injure or obstruct in any degree the said road or roads he shall forfeit and pay to the president and directors of said company three times the amount of all damages they may sustain in consequence thereof, to be sued for and recovered in the same manner as provided by law for individuals in like cases; and on complaint made to any magistrate within whose jurisdiction such offence shall be committed, it shall be the duty of such magistrate to bind the person or persons so offending with sufficient security for his or their good behavior for a period not less than one year, and such offender shall also be subject to indictment and be sentenced at the discretion of the court to be imprisoned not less than three nor more than six months.

Restriction in construction. SEC. 15. *And be it further enacted*, That in the construction of said rail road the president and directors of said company shall not in any way or manner obstruct any pub

lic road now established or to be established, but shall provide convenient passages to travel over said road.

SEC. 16. *And be it further enacted,* That payments of the subscription to the stock in said rail road may be made in the materials, labor, provisions and all and every thing necessary for the construction of said road which the board of directors may deem expedient to accept. Payments of stock may be made in materials.

SEC. 17. *And be it further enacted,* That after the completion of said road, or any part thereof, the said president and directors may levy and collect tolls from all persons, property, merchandise, and other commodity transported thereon: *Provided,* The nett profits of said road shall never exceed twenty-five per cent. per annum. Tolls may be levied.

SEC. 18. *And be it further enacted,* That all condemnation of land by any judicial proceedings had under the authority of this act, so as to divest the title of the owner for the benefit of the rail road, shall vest in the company a right of way and use of the lands not exceeding _____ feet in width along the tract of the road or on either side of the road, as the case may be, and shall give the company all the powers over said land necessary and proper for the full use of the road and right of way over it so long as the road shall exist or the corporation continue, but no more; and shall not divest the fee nor the reversion from the original owner, any thing in this act contained to the contrary notwithstanding; and all damages assessed in such cases shall be assessed accordingly. Company shall acquire title to lands condemned.

SEC. 19. *And be it further enacted,* That the said company shall commence the building of the rail road herein described within five years from and after the passage of this act, and complete the same within fifteen years from the same day, else all the powers herein granted shall become void. When to commence and complete road.

SEC. 20. *And be it further enacted,* That nothing in this act contained shall be so construed as to authorise banking privileges to said company. Construction.

APPROVED, 6 February, 1850.

[No. 119.]

AN ACT

To incorporate the Alabama and Mississippi Rail Road Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Richard C. Crocheron, James D. Craig and Allison Saltmarsh, of Cahawba; Joseph R. John, J. Price and Corporators.

Name and style.	Richard H. Adams, of Uniontown; and E. D. King and William A. Jones, of Marion, with such persons as shall associate with them for that purpose, are constituted a body politic and corporate by the name of "The Alabama and Mississippi Rivers Rail Road Company;" and by that name to sue and be sued, plead and be impleaded in any court of this state; to make and have a common seal, and the same to break, alter or renew at pleasure; and the company is hereby vested with all powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act hereinafter set forth; and said company is hereby authorised and empowered to locate, construct and finally complete a single, double, or treble rail road or way from some suitable point in or near the town of Cahawba, on such route as may be deemed expedient, to some suitable point in or near the town of Uniontown, and to transport, take and carry property and persons upon said rail road or way, by the power and force of steam, of animals, or of any other mechanical or other power or any combination of them which said company may choose to apply; and for the purpose of constructing said rail road or way the said company is hereby authorised to lay out their road not exceeding one hundred feet wide through the whole length; and for the purposes of depots, cuttings and embankments, and for the purposes of necessary turn outs, and for obtaining stone and gravel, may take as much more land as may be necessary for the construction and security of said road, with permission to purchase the stock; materials and right of way, and to make any lawful contract with any rail road company in relation to the business of said company; and also to make joint stock with any other rail road corporation: <i>Provided</i> , That all damages that may be occasioned to any person or corporation by the taking of any such land or materials as aforesaid, for the purposes aforesaid, shall be paid for by said corporation in the manner hereinafter provided.
General corporate powers.	
Route of road.	
Powers to be exercised.	
Proviso.	
Capital stock.	SEC. 2. <i>Be it further enacted</i> , That the capital stock of said company shall not exceed one million of dollars, to be divided into shares of one hundred dollars each; which shares shall be deemed personal property and be transferred in such manner and at such place as the by-laws of said company may direct: <i>Provided</i> ; That said company may organise so soon as shares to the amount of fifty thousand dollars shall have been subscribed; and may then survey and locate the road, but shall not commence the con-
\$50,000 subscribed, company may organise.	

struction thereof until shares to the amount of one hundred and sixty thousand dollars shall have been *bona fide* subscribed, or an amount sufficient in the estimation of the directors to complete the road from Cahawba to Uniontown.

SEC. 3. *Be it further enacted,* That the persons named in the first section of this act, or a majority of them, shall open books to receive subscription to the capital stock of said company at such time and places as they or a majority of them may appoint, and shall give such notice of the times and places of opening said books as they may deem reasonable: *Provided,* The directors may authorise any person to receive subscriptions at any time or place.

Book for subscription shall be opened.

SEC. 4. *Be it further enacted,* That the immediate government and direction of the affairs of said company shall be vested in a board of directors, seven in number, who shall be chosen by the stockholders of said company in manner hereinafter provided, and shall hold office until others are duly elected and qualified to take their places as directors; and the said directors, four of whom, the president being one, shall be a quorum for the transaction of business, shall elect one of their number to be president of said company; they shall also choose a secretary and such other officers as they may deem necessary: *Provided,* The treasurer shall be made to give bond with security to the president and directors, in such sum as the said board of directors may require, for the faithful discharge of his duties.

Government't vested in a board of directors.

May appoint officers.

SEC. 5. *Be it further enacted,* That the persons authorised by the third section of this act to open books for subscriptions to the capital stock of said company are hereby authorised, after the said books of subscription are closed, or when the sum subscribed shall reach fifty thousand dollars, to call a meeting of the stockholders of said company, in such manner and at such time and place as they may appoint, for the choice of directors of said company; and in all meetings of the stockholders of said company each share shall entitle the holder thereof to one vote, which vote may be given by said stockholder in person or by a lawful proxy; and the annual meeting of stockholders of said company for the choice of directors shall be holden at such times and places and upon such notice as the said company in their by-laws may publish.

Commissioners may call a meeting of stockholders.

Rule of voting of stockholders.

SEC. 6. *Be it further enacted,* That in case it shall so happen that an election of directors shall not be made on any day appointed by the by-laws of said company, said company shall not for that cause be dissolved, but such

Elections.

election may be holden on any day which shall be appointed by the directors of said company; and said directors shall have power to fill any vacancy which may occur by death, resignation, or otherwise.

General powers
of directors.

SEC. 7. *Be it further enacted*, That the directors shall have full power to make and prescribe such by-laws, rules and regulations as they shall deem needful and proper, touching the disposition and management of the stock, property, estate and effects of said company, not contrary to this charter or the laws of this state and of the laws of the United States; the transfer of shares, the duties and conduct of their officers and servants, touching the election and meeting of the directors and all matters whatsoever which may appertain to the concerns of said company; said company is also hereby authorised to purchase, receive and hold such estate as may be necessary and convenient in accomplishing the object for which this incorporation is granted, and may by their agents, surveyors, engineers and servants enter upon all lands and tenements through which they may deem it necessary to make said road, and to survey, and lay out and construct the same; and to agree and contract for the land or right of way with the owners through which they may intend to make said road. In case said lands belong to the estate of any deceased person, then with the executor or administrator of such; or in case of the same belonging to a minor or a person *non compos mentis*, then with his or her guardian or guardians; or in case said lands be held by trustees of school funds or other trustees of estate, then with such trustees, or with mortgagees or *cestuis que trust*; and the said executors, administrators, guardians, trustees, mortgagees and *cestuis que trust* are hereby declared competent to contract with said company for the right to use, occupy and possess the lands held by them respectively, so far as they may be useful or necessary to the purpose of said rail road; and the act and deed of such executors, administrators, guardians, trustees, mortgagees and *cestuis que trust* shall pass the title in said lands in the same manner as if the said deed or act was made or done by a legal owner of full age; and such executor, administrator, guardian, trustee, mortgagee or *cestu s que trust* shall account to those interested for the amount paid him in pursuance of such agreement and composition; and if the said company and parties representing lands prefer, they may refer the question of compensation to arbitrators mutually chosen, whose award, or that of their umpire, in cases of disagreement, shall vest title according to its tenure.

May acquire
right of way
and materials.

SEC. 8. *Be it further enacted*, That if the said company cannot agree with the owner of the land through which they desire said road to pass, or with the executor, administrator, guardian, trustee, mortgagee or *cestuis que trust* aforesaid, it shall and may be lawful for the clerk of the circuit court of the county in which such lands may lie, on the application of said company or its agents, and he is required to issue a writ of *ad quod damnum*, commanding the sheriff that without delay he cause a jury of seven good and lawful men, none of whom shall be land owners or stockholders in said company, to be upon such lands on a day to be by said sheriff fixed and appointed; and whereof it shall be his duty to give notice to the owner, executor, administrator, guardian, trustee, mortgagee, or *cestuis que trust* at least five days before such day, if they be within his county, and if not, or if the owner or owners be unknown, then notice shall be given by advertisement to be by said sheriff posted and fixed at the dwelling-house, if any such there be, or on a public and conspicuous part of said land, at least five days before such appointed day, and also by advertising the same in some newspaper published nearest the land at least two weeks, by weekly insertions, prior to said day; and then cause such jury, after being duly sworn by said sheriff or some justice of the peace, to make true inquest of the damage suffered by such owner or estate by reason of making said road through the lands. If any such jurors fail to appear, or by reason of challenge for cause or otherwise fail to sit on said inquest, the sheriff shall fill said jury from the bystanders; and if they fail to render a verdict, the sheriff shall again or on some subsequent day empanel a new jury or jurors until a verdict be had; such verdict and inquest, regularly certified by the sheriff, shall be returned to the office of the clerk of the circuit court of the county in which such lands may lie, and there remain amongst the records; and the said inquest shall vest in said company the right to occupy and use such land for the purposes of said rail road on the payment or tender of payment of the damages therein assessed against said company; and in case of persons absent or unknown as aforesaid, the placing of the amount of said damages in the hands of the judge of the county court of the county where such land may lie shall be deemed and taken as payment; and such judges shall be liable on their bonds to make due payment of the said money so deposited on demand thereof.

Proceedings where owner of land, &c. and company cannot agree.

Duty of sheriffs in holding inquest.

SEC. 9. *Be it further enacted*, That it shall be the duty of the sheriff to appoint and hold said inquest in ten days after the receipt of said writ of *ad quod damnum*, except in case of absence as aforesaid, in which case thirty days shall be allowed him, and five days in addition are allowed him for every additional jury which he may have under said writ; and for every default therein, the said sheriff shall be fined by the circuit court, at the instance of either party, not less than twenty nor more than one hundred dollars; and every juror summoned shall be fined not less than ten dollars for non-attendance; of all such fines, as well as costs, the circuit court of the county shall have jurisdiction. There shall be allowed the following fees, to wit: To the clerk of the circuit court, for every writ of *ad quod damnum*, seventy-five cents; for receiving and filing inquests, seventy-five cents; to the sheriff, for giving notice, seventy-five cents, besides printer's fees not exceeding two dollars in each case; for holding inquest, five dollars; and for summoning witnesses, seventy-five cents each; to jurors, seventy-five cents per diem; which fees are not allowed until a verdict be returned and filed, and shall be taxed in the bill of costs and paid by said company: *Provided, however*, That before the application for said writ, the said company may tender to the owner or owners of any such land a sum of money by it deemed equivalent to the damages to be sustained, and upon refusal to accept the sum tendered, and a verdict for the same amount or a less sum, the cost shall be taxed and paid by the owners of said land upon which inquest is held.

Fees of officers,
&c.

Cost, by whom
paid.

SEC. 10. *Be it further enacted*, That said company is hereby authorised to construct, erect, build and use a single, double or treble rail way or road of suitable width and dimensions, to be determined by the directors of said company, on the line or course by them designated; and also under the same rules, regulations and restrictions, and with like privilege and immunities as are herein granted to the main road, to build and construct branch rail roads to Selma, Marion, or elsewhere, on either side of the said main road, from such point as the stockholders in the branch road or roads may designate; and shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same; and shall have power to erect and maintain toll houses and other buildings for the accommodation of their concerns as they may deem suitable to their interests: *Provided*, That special books may be opened for subscrip-

Company may
construct road
or branch roads.

Proviso.

tion of stock in such branch rail roads either to Selma, Marion, or elsewhere, and the stock subscribed in such books shall be esteemed applicable to and be expended only on the branch road especially designated: *Provided further*, That the shareholders or stockholders making subscription in such special books shall not be considered stockholders so far as to participate in the dividends of the company until such branch road shall have been fully completed and brought into operation.

Special books shall be opened for subscription to branch roads.

SEC. 11. *Be it further enacted*, That the rail road hereby incorporated shall be considered a part of the continuous line of rail road contemplated and described by the act of congress of the United States, approved fourth September, one thousand eight hundred and forty-one, appropriating the two per cent. fund of Alabama and Mississippi; and the State of Alabama reserves the right at any time to charter and connect with the rail road hereby incorporated rail roads by which the continuous line of said roads to the Mississippi line shall be completed, and also if necessary to charter a road by which the Alabama and Tennessee river rail road shall connect from the town of Selma with the road hereby incorporated at some suitable point.

This road declared part of a continuous line to Mississippi.

Rights reserved to the state.

SEC. 12. *Be it further enacted*, That whenever in the construction of said rail road it may be necessary to cross or intersect any established road or way, it shall be the duty of said company so to construct their rail road as not to impede the passage of such established road or way; and if it be erected for said rail road over any navigable water course the same shall be made so as not to obstruct the navigation of such water course.

Duty of company in crossing other roads, or water courses.

SEC. 13. *Be it further enacted*, That the said company, for the purpose of making said rail road, or repairing or changing it afterwards, shall have the same right of entry on adjacent lands, and to cut, quarry, dig, take and carry away any stone, wood, gravel or other material which may be necessary, as is before provided as to the right of way: *Provided, however*, That in all cases the said company shall make compensation to the owners as is agreed on in manner hereinbefore provided for.

Certain rights granted.

Proviso.

SEC. 14. *Be it further enacted*, That the said company may agree and contract for land necessary for depots or other purposes, or condemn the same in like manner and by like proceedings as hereinbefore provided for the lands on the route of the road.

Lands for depots may be received

SEC. 15. *Be it further enacted*, That the said company may cause any road or way to be changed or altered in such

May change or alter their road.

manner that said rail road may be made on the best site of ground for that purpose : *Provided*, Said company shall put such road or way in as good condition as at the time of altering or changing the same.

May collect toll.

SEC. 16. *Be it further enacted*, That it shall be lawful for the company hereby incorporated from time to time to fix, regulate the toll and charges by them to be received from transportation of persons or property on their rail road or way aforesaid hereby authorised to be constructed, erected, built or used, or upon any part thereof.

Penalty for injuring road.

SEC. 17. *Be it further enacted*, That if any person or persons shall wilfully do or cause to be done any act or acts whatsoever whereby any building, construction or works of said company, or any engine, machine, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person so offending shall be guilty on indictment of misdemeanor, and shall also forfeit and pay to said company double the amount of damages sustained by reason of such offence or injury, to be recovered in the name of said company, with cost of suit, by action of debt.

Directors may require payment of stock.

SEC. 18. *Be it further enacted*, That the directors of said company shall require the payment of the sum or sums subscribed to the capital stock of said company in the following manner, to-wit: Ten per cent. on the whole amount subscribed to be paid at such time as the directors may order, the balance to be divided into three equal annual instalments, to be secured by three several notes of hand of the respective stockholders, made payable to said company; and in case any stockholder shall refuse to make payment of his or her note at maturity, the stock of such stockholder may be sold by the directors of said company at public auction, reasonable notice of such sale having been first given; and in case the proceeds of the sale be not sufficient to pay the note then due, suit may be commenced upon the note: *Provided*, That if all the stock of any stockholder be sold in pursuance of the above provision before all three of his or her notes shall have been paid, then the directors of said company may commence suit upon such note or notes as may be still due and unpaid.

Proceedings when stockholders fail.

Property vested in shareholders.

SEC. 19. *Be it further enacted*, That all lands, rights, machines, vehicles, carriages and works, and property of every description belonging to said company, and all profits which may accrue from the same, shall be vested in the respective shareholders of said company in proportion to their respective shares.

SEC. 20. *Be it further enacted*, That the share or stockholders in the road hereby incorporated shall be liable only to the extent of the stock taken by them respectively, but not beyond the amount of said stock; and in the event any stockholder shall fail to pay his liability for and on account of stock, for more than ninety days, the directors may, after five days' notice to such delinquent stockholder, or after notice published for two consecutive weeks in some newspaper near said road, declare his said stock forfeited, or may sell the same as hereinbefore provided for.

Shareholders,
liability of de-
fined.

SEC. 21. *And be it further enacted*, That any rail road or any plank road which may hereafter be constructed from the towns of Marion, Greensborough or Demopolis may be connected with the road authorised by this act: *Provided*, That nothing in this act contained shall authorise the company to cut down any grove or shade trees about the residence of any person without the consent of the proprietor thereof.

Oth'r roads may
connect with
this.

Proviso.

APPROVED, 7 February, 1850.

[No. 120.]

AN ACT

To incorporate the Alabama and Georgia Rail Road Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Miles W. Abernathy, Daniel Bush, Benjamin C. Wiley, Elisha Simmons, James Crow, William Scott, H. H. Allen, George L. Alexander, William L. Terry and Seaborn J. Whatley are hereby appointed commissioners, a majority of whom may act and do all business preparatory to the organization of the Alabama and Georgia rail road company; and said commissioners or a majority of them are hereby authorised to open books of subscription for the capital stock of said rail road company, upon giving not less than thirty days' notice, at such times and places as they may think proper.

Commissioners
to open books
for subscriptions

SEC. 2. *Be it further enacted*, That said rail road contemplated under this act shall be constructed from the town of Jacksonville, Benton county, thence in the direction of Rome, Georgia, to some practicable and convenient point on the Georgia line, so as to intersect with some rail road which may be chartered in Georgia, from Rome to the state line, and it is hereby authorised to connect with said Georgia rail road.

Route of road.

SEC. 3. *Be it further enacted,* That the capital stock for constructing said rail road may be four hundred thousand dollars, in shares of twenty-five dollars each, with the privilege of increasing said stock to five hundred thousand dollars if said amount shall be found necessary to construct said road; but whenever fifty thousand dollars shall have been subscribed the commissioners aforesaid, or a majority of them, are hereby authorised to hold an election by ballot, owners of stock having a vote for each share, for a president and a suitable number of directors for the management of said company; and said officers may be elected afterwards annually by the stockholders of said company; and the subscribers of said stock shall be and they and their successors are hereby declared to be incorporated into a company by the name of the Alabama and Georgia Rail Road Company, and by that name shall be capable in law of buying, selling, leasing, holding and conveying real or personal property, also capable of suing and being sued, pleading and being impleaded, pass by-laws, have a common seal, and do all such acts and things as may be necessary completely and fully to carry out the objects of this act, which is hereby declared to be the construction of a rail road from Jacksonville to the Georgia line in the direction of Rome.

SEC. 4. *Be it further enacted,* That said president and directors, or a majority of them, may appoint officers, engineers, agents and workmen, and determine on their compensation, pass by-laws, provided they do not conflict with the laws of this state or the United States, and do all other things that may be necessary to the management of said company; and said president and directors may also for the company purchase and contract for land, wood, stone and gravel which may be used in constructing said rail road; but if said president and directors cannot agree with the owners of lands and other material, through which the road may pass, upon the price of the same, or if the owners are infants, non-residents, insane, or otherwise incapable of conveying the title, they are hereby authorised to apply to the sheriff of the county, and he shall forthwith summon five disinterested freeholders, who after being duly sworn shall determine the value of the property, and their verdict and the payment of the value so assessed shall operate a conveyance of the right of way to said company; but either party if dissatisfied with such decision may appeal to the next circuit court of the county, as in other cases.

Capital stock.

\$50,000 subscribed comp'y may organise.

Elections by co.

Name and style and corporate powers.

Powers of president and directors.

How right of way and materials shall be acquired.

SEC. 5. *Be it further enacted*, That if any person shall wilfully injure or obstruct said rail road, he shall forfeit and pay to the president and directors, to be recovered by suit, three times the amount of damages sustained by said company; and moreover, said company shall not obstruct any public road now in use without affording convenient pass-ways over the same. Penalty for in-
juring road.

SEC. 6. *Be it further enacted*, That after the construction of said rail road the company may collect toll from any person who may ride on the same, or transport merchandise or any other commodity. Company may
collect toll.

SEC. 7. *And be it further enacted*, That the legislature hereby grant unto said company the right to commence said rail road in five years from the passage of this act, and ten years from the passage of this act to complete said rail road; and the legislature hereby further reserves the right and privilege to charter a rail road or roads running parallel to or across said Alabama and Georgia rail road, and the Alabama and Tennessee rail road or any other rail road company shall have the power to connect their road with the road authorised by this act. Road when to
be commenced
and finished.

Reservation of
powers to the
legislature.

APPROVED, 19 January, 1850.

[No. 121.]

AN ACT

To amend an act to incorporate the Girard Rail Road Company, approved the twenty-first of January, 1846.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the said president and directors shall have power to grant and issue certificates of stock in said rail road company on such terms as may be agreed upon for labor expended in the grading or other services in the construction of said rail road, and that the stock so issued for grading or other labor performed in the construction of said rail road shall not be mortgaged or in any way made liable for the debts of the said rail road company without the consent of the owner of such stock, until the whole or a sufficient amount of the capital stock shall be paid in to build said rail road. Powers of presi-
dent and direc-
tors in issuing
stock certificates

SEC. 2. *And be it further enacted by the authority aforesaid*, That grading shall be temporarily valued and computed at the rate of twenty-five shares per mile, and furnishing and laying down superstructure at the rate of ten shares per mile; and that persons subscribing to do How grading
shall be valued.

grading and lay down superstructure shall be entitled to vote in all meetings of stockholders in that ratio until a survey is made and an estimate of the true value is put upon said grading and superstructure by a competent engineer employed by said rail road company; and that so soon as the said survey and estimate is made and the true value put upon said grading and superstructure subscribed and undertaken to be done for stock in said road, then the number of shares shall be computed and valued according to said estimate, and the said subscribers and undertakers shall be entitled to vote according to that computation.

Sale of stock regulated.

SEC. 3. *And be it further enacted, &c.,* That the said rail road company shall not offer for sale or sell the stock in said road in larger quantities than ten shares together.

APPROVED, 2 February, 1850.

[No. 122.]

AN ACT

To revive and amend an act entitled "An act to incorporate the Dale Town, Woodville and Greensboro. rail road company."

Charter revived
Directors appointed.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the act incorporating the Dale Town, Woodville and Greensboro. rail road company, passed the 27th day of December, 1832, be and the same is hereby revived; and that A. M. Creagh, T. W. Mathews and E. O. Johnson of the county of Wilcox, James B. Chambers, James L. Price and Richard Hudson of the county of Perry, Maj. John Davidson, M. W. Creagh and Richard Adams of the county of Marengo, and John Erwin, Calvin Norris and Andrew L. Pickens of the county of Greene, be and they are hereby appointed directors, who may meet at such time as they may appoint at Woodville or Uniontown, and elect one of their number president; and shall cause books to be opened for subscription of stock according to the provisions of such act of incorporation; and they may appoint such time as they may deem proper for the annual election of directors; and the directors hereby appointed shall continue until their successors are elected.

Shall elect president.

Powers.

May construct plank or rail road.

SEC. 2. *And be it further enacted,* That the said incorporators shall be and are hereby authorised to construct a plank road or rail road as a majority of stockholders in interest shall think proper; and they may make the terminus of said road at any point on the Alabama river in the county of Wilcox that they may deem expedient and proper: *Provided,* That nothing herein contained shall authorise said

Provided

company to obstruct any public highway without the permission of the commissioners' court of the county where such obstructions may be made.

APPROVED, 7 February, 1850:

[No. 123.]

AN ACT

Granting the right of way to the Nashville and Chattanooga rail road company, through Jackson county, and the privilege of constructing a bridge across Tennessee river in said county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Nashville and Chattanooga rail road company be and they are hereby authorised to construct their road through the northern portion of Jackson county in this State; and that they shall have and enjoy all the rights, privileges and immunities, and be subject to such restrictions as are granted to and imposed upon said company by the act incorporating the same, as far as said rail road lies in the county of Jackson; on the express condition, however, that any rail road company now chartered, or which may hereafter be chartered in this state, shall have the right to connect their road directly with the said Nashville and Chattanooga rail road at any point on it in the county of Jackson aforesaid.

Right of way granted through this state.

SEC. 2. *And be it further enacted,* That said company shall have the privilege of constructing a bridge for their road across Tennessee river, and for the purpose of avoiding any interference with its navigation it shall be the duty of the company to build the bridge at least thirty feet above extreme high water, between the two piers next to the western bank, or any two piers that the company may deem best; and the space between the two piers so selected shall be at least one hundred and fifty feet, so as to afford free and safe passage for boats of all sizes.

Co. may construct a bridge across Tennessee river.

How built.

SEC. 3. *And be it further enacted,* That nothing contained in this act shall prevent the state of Alabama from levying and collecting such rate of tax on the property of said company within this state, after the completion of their road, as shall by the general assembly at the time be assessed on the property of other rail road companies in this state: *Provided,* That in assessing any tax, the value of that part of the road or other property of the company lying in this state, shall not be estimated at more

State of Alabama may collect taxes of company.

Provided

than the amount of the capital stock of the company, invested in their purchase and construction, to be ascertained by the statement on oath of the president or engineer of the company; nor shall any tax whatsoever be levied on the bridge across Tennessee river: *Provided*, The same is not used for purposes of common travel, but only for the accomodation of the rail road.

APPROVED, 21 January, 1850.

[No. 124.]

AN ACT

Amendatory of "An act to incorporate the Florence and Waterloo rail road company, approved January 1, 1835."

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the second section of the above entitled act be and the same is hereby repealed; and that John Simpson, James Irvine, Robert M. Patton, Neander H. Price, Martin Hoskins, Samuel D. Weakley, Henry D. Smith, George G. Armstead, James H. Witherspoon and Elijah Chandler be and they are hereby appointed commissioners to receive subscriptions for the purpose of constructing a rail road from the town of Florence to the State Line Ferry, in the county of Lauderdale in this state; that it shall be the duty of said commissioners to open books for the subscription of stock in the said town of Florence, and at such other places as they may think proper, on the first Monday of April, 1850, and to keep said books open until the sum of seventy-five thousand dollars is subscribed.

Commissioners
to receive sub-
scripti's of stock.

Part of 7th sec-
tion of original
charter repeal'd

SEC. 2. *Be it further enacted*, That so much of the seventh section of the above entitled act as declares that when the capital stock of said company shall amount to two hundred thousand dollars no further subscription of stock shall be received, unless the same be authorised by a majority of the stockholders at some annual meeting, be and the same is hereby repealed.

Part of 8th sec-
tion of original
charter repeal'd

SEC. 3. *Be it further enacted*, That so much of the 8th section of the above entitled act as limits the construction of said road to the town of Waterloo be and the same is hereby repealed; and that the said president and directors shall have power to construct and establish a rail road commencing at any part of the said town of Florence, and running thence to the State Line Ferry or to such other point convenient thereto on the Tennessee river, in said county of Lauderdale.

11th section re-
pealed.

SEC. 4. *Be it further enacted*, That the 11th section of the above entitled act be and the same is hereby repealed.

SEC. 5. *Be it further enacted*, That so much of the 15th section of the above entitled act as reserves to the state the right to purchase said rail road at the value of the stock thereof, with all cars and machinery thereto belonging, at the end of fifty years, or at the expiration of every ten years thereafter be and the same is hereby repealed. Part of 15th section repealed.

SEC. 6. *Be it further enacted*, That the proviso to the 16th section of the above entitled act be and the same is hereby repealed. Proviso of 16th section repeal'd.

SEC. 7. *And be it further enacted*, That all other portions of the above entitled act not herein repealed, be and the same are hereby revived and continued in full force and effect. Other portions revived and declared in force.

APPROVED, 26 January, 1850.

[No. 125.]

AN ACT

To incorporate the Alabama and Florida Rail Road Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Walker Anderson, W. H. Chase, B. D. Wright and O. M. Avery, of Pensacola, Florida; Mortimore Boulware, John G. McLean, Julius G. Robinson, A. J. Robertson, H. F. Sterns, Charles Snowden, Wilson Ashley, Asa Johnson, Thomas A. McIver, A. Russell and Allen Fowler, of Conecuh county, Alabama; E. H. Pickens, L. J. Bolling, W. J. Streety; James Dunklin, T. J. Burnett, H. L. Henderson, H. B. Taylor, B. W. Henderson and J. L. McMullen, of Butler county; Conrad Webb, A. J. Perry, George Harrison, H. C. Swanson and John Walker, of Lowndes county, Alabama; and Charles Cromelin, James E. Belser, E. Sanford Sayre, John Cragin, J. J. Seibels, B. S. Bibb, B. W. Hilliard, Elconah Barnes, James R. Dillard, Richard Wall and George Mathews be and they are hereby appointed commissioners to open books and receive subscriptions for stock in a rail road to be constructed from the city of Montgomery, in Alabama, to the city of Pensacola, in Florida, any three of whom may open books in the cities of Montgomery and Pensacola, and such other places as they may think proper, and keep the same open until the whole capital stock is subscribed; and they shall give public notice of the times and places of opening said books not less than twenty days as they may think proper. Commissioners to open books. Road.

Capital stock.

SEC. 2. *And be it further enacted,* That the capital stock of said company may be one million five hundred thousand dollars with the privilege of increasing it to two million five hundred thousand dollars, should said increase be found necessary for its construction and future management.

Direction of road.

SEC. 3. *And be it further enacted,* That said rail road shall extend from the city of Montgomery to some point on the boundary line between the states of Florida and Alabama, in the county of Conecuh, lying north of Pensacola, and at which point said road may meet and connect with a rail road leading thence to the city of Pensacola.

.\$100,000 sub-
scribed.Company de-
clared a body
corporate.

Name and style.

Powers.

SEC. 4. *And be it further enacted,* That as soon as one hundred thousand dollars shall have been subscribed to the capital stock of said company, the subscribers of said stock, their successors and assigns, shall be and they are hereby declared to be incorporated into a company by the name of the Alabama and Florida rail road company; and by that name shall be capable in law of purchasing, holding, leasing, selling and conveying, real, personal and mixed property, so far as shall be necessary for the purposes of this incorporation; and by said incorporated name may sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity in this state or elsewhere; and to have and use a common seal, and the same to alter or amend at pleasure, to pass such by-laws, rules and ordinances, for the good government of said corporation as to them may seem proper; and generally, do all things necessary to carry into effect fully and completely the objects of this act.

Organization of
company.

SEC. 5. *And be it further enacted,* That as soon as one hundred thousand dollars shall have been subscribed, the commissioners hereby appointed shall call a meeting of the subscribers at such time and place as they may appoint; and at such meeting the said subscribers, or a majority of them in value, shall elect nine directors by ballot, to manage the affairs of said company; and the commissioners aforesaid, or any three or more of them, shall be judges of said first election of directors; and the directors thus chosen shall elect among themselves a president of said company, and allow him such compensation as they may think proper; and on all occasions whenever a vote of stockholders shall be necessary to be taken, each stockholder shall be allowed one vote for every share owned by him or her; and any stockholder may depute any other person to vote and act for him or her, as his or her proxy.

SEC. 6. *And be it further enacted,* That the president and directors of said company shall be chosen annually by the stockholders of said company; and if any vacancy shall occur by death, resignation or otherwise, of any president or director, before the year for which they were elected shall have expired, such vacancy shall be filled by the president and directors, or a majority of them; and that the president and directors shall hold their office until their successors are chosen and qualified; shall have power to call meetings of stockholders at any time; and a majority of stockholders shall have power to remove the president or any director, and to fill all vacancies occasioned by removal at pleasure.

Annual election
of officers.

SEC. 7. *And be it further enacted,* That the said president and directors, or a majority of them, may appoint all such officers, engineers, agents or servants whatsoever, as they may deem necessary to carry on the business of said company, and dismiss them at pleasure; and a majority of them shall determine the compensation of all officers, engineers and servants of said company; shall have power to pass all by-laws which they may deem necessary and proper for exercising all the powers vested in this company for carrying into effect the objects of this act: *Provided, only,* That such by-laws shall not be contrary to the laws of this state or of the United States; and said president and directors, or a majority of them, are empowered to borrow money to carry into effect the objects of this act, to issue certificates or other evidences of such loan, and to pledge the property of said company for the payment of the same with interest.

President and
directors may
appoint officers.

Pass by-laws.
&c.

SEC. 8. *And be it further enacted,* That the said president and directors shall have power to require the stockholders of said company to pay such installments on their respective shares of stock in said company, and at such time as they may think best for the interest of said company; and upon the failure or refusal of any stockholder to pay the installment required on his, her or their stock, in pursuance of any call made by said president and directors as aforesaid, said president and directors may, upon giving thirty days' notice, proceed to sell at public sale the share or shares of said stock owned by said stockholder, or such part as they may think proper, to the highest bidder; and if upon the sale of the shares of said stock owned by said defaulting stockholder, said stock should be sold for more than the amount due upon installments as above mentioned, the excess, after deducting accruing interest and the necessary expenses of sale, shall be paid over to said defaulting stockholder.

May require
payment of in-
stallments on
stock.

Proceedings.

May acquire
land and mate-
rials.

Proceedings
when parties
cannot agree.

SEC. 9. *And be it further enacted,* That the president and directors of said company are hereby authorised to contract for and receive conveyances of land, stone, timber and wood, which may be necessary or required in the construction of said rail road; and when the owner and company cannot agree upon the price, or when the owner is an infant, non-resident, or *non compos mentis*, then it shall be lawful for the president and directors of said company to apply to the sheriff of the county in which said land or other property may be situated, who shall summon a jury of seven disinterested free-holders, a majority of whom shall be authorised to assess the damages and return their award or judgment to the next term of the circuit court for the county in which said land or other property may be situated, which shall be entered by the clerk as the judgment of the court, and execution may issue thereupon for the amount of said judgment and costs: *Provided, always,* That if either party shall upon the return thereof be dissatisfied, they may upon filing bond with good and sufficient security in such sum as the court may order, be allowed an appeal to the next term of the circuit court, when said case shall stand for trial *de novo*: *Provided, also,* Thirty days' notice shall have been given to the opposite party, issued by the clerk of the court and served by the sheriff of the county.

Oath of jurors.

SEC. 10. *Be it further enacted,* That the jurors summoned as aforesaid, shall (before proceeding to the discharge of the duties herein required) take an oath or affirmation, which the sheriff is hereby authorised to administer, to the effect that they will well and truly inquire into, and to the best of their judgment assess the damages accruing to the owner or owners of such lands or materials, or lands and materials, by means of the proposed construction.

SEC. 11. *And be it further enacted,* That the said lands or other property so condemned and estimated as aforesaid, shall enure to and become the property of said company for the purposes aforesaid, upon the payment by said company of the amount assessed by said jury, to the party claiming damages on account of the construction of said road through said lands, or for such other property: *Provided,* That said works shall in nowise be delayed on account of the proceedings had as aforesaid.

Penalty for in-
juring road.

SEC. 12. *And be it further enacted,* That in case any person shall wilfully injure or obstruct in any degree the said road or roads, he shall forfeit and pay to the president and directors of said company three times the amount of all damages they may sustain in consequence thereof; to be

sued for and recovered in the same manner as provided by law for individuals in like cases; and on complaint made to any magistrate within whose jurisdiction such offence shall be committed, it shall be the duty of such magistrate to bind the person or persons so offending with sufficient security for his or their good behavior for a period of not less than one year; and such offender shall also be subject to indictment, and shall be sentenced at the discretion of the court to be imprisoned not less than three nor more than six months.

SEC. 13. *And be it further enacted*, That in the construction of said rail road the president and directors of said company shall not in any way or manner obstruct any public road now established, but shall provide convenient passages to travel over said road. Restriction of company.

SEC. 14. *And be it further enacted*, That payments of the subscription to the stock in said rail road may be made in the materials, labor, provisions, and all and every thing necessary for the construction of said road; which the board of directors at their discretion may deem expedient to accept. Payments of stock may be made in materials.

SEC. 15. *And be it further enacted*, That after the completion of said road or any part thereof, the said president and directors may lay and collect tolls from all persons, property, merchandise, and other commodity transported thereon: *Provided*, The nett profits of said road shall not exceed twenty-five per cent. per annum. May collect toll.

SEC. 16. *And be it further enacted*, That the general assembly reserve the right and power to authorise the construction of any rail road to cross the one authorised by this act at any point the general assembly may think proper. Reservation of right to general assembly.

SEC. 17. *And be it further enacted*, That nothing in this act shall be so construed as to confer upon said company any right to exercise the powers of a banking company, or to issue any description of paper or evidences of debt intended as circulation. No b'nki'g privileges.

SEC. 18. *And be it further enacted*, That said company hereby incorporated shall commence the building of said road within five years, and complete the same within fifteen years from the passage of this act. When to commence and complete road.

SEC. 19. *Be it further enacted*, That any other rail road or other internal improvement company shall have the right to unite their improvements on reasonable and equitable terms with that of the corporation hereby created; and said last corporation shall have the same right in regard to such other companies. And any restriction in the charter Oth'r roads may unite with this.

Certain rights
secured to Eu-
faula and Mo-
bile rail road.

of the Eufaula and Mobile Rail Road Company that might have the effect to prevent said last corporation from using any route or improvement leading to Pensacola, in Florida, prior to the completion of its road to Mobile bay, is hereby repealed.

Duration
of charter.

SEC. 20. *Be it further enacted*, That this act shall be and continue in force for the term of fifty years, unless sooner forfeited under the provisions of the preceding section.

APPROVED, 11 February, 1850.

[No. 126.]

AN ACT

To incorporate the Wedowee and Arbacoochee Rail Road Company.

Commissioners
to open books for
subscription of
stock.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Frederick Ross, James E. Alexander, James W. Gwinn, John Reaves, John T. Heflin, Archibald Sawyer, Wiley White, Joseph M. Baker, and Freeman Taylor be and they are hereby appointed commissioners, any five of whom shall be competent to act and do all business necessary to be done, by virtue of this act of incorporation; and under the direction of a majority of whom subscription may be received to the capital stock of the Wedowee and Arbacoochee rail road company; and they shall cause books to be opened in the towns of Lafayette, Wedowee, Arbacoochee and such other places as they may think proper for the purpose of receiving subscription from time to time to the capital stock of said company until the sum of eight hundred thousand dollars shall be subscribed, and shall give such public notice, not less than twenty days, of the time and place of the opening of said books, as they may think proper.

Books shall be
opened.

Capital stock.

\$50,000 sub-
scribed company
declared a body
corporate.

Name and style.

General corpo-
rate powers.

SEC. 2. *And be it further enacted*, That the capital stock of said railroad shall not exceed eight hundred thousand dollars in shares of one hundred dollars each; and so soon as the sum of fifty thousand dollars shall be subscribed, the subscribers of said stock, their successors and assigns, shall be and they are hereby declared to be incorporated into a company by the name of the Wedowee and Arbacoochee Rail Road Company, and by that name shall be capable in law of purchasing, holding, leasing, selling and conveying real, personal and mixed property, so far as shall be necessary for the purposes hereinafter mentioned; and by said corporate name may sue and be sued, plead and be im-

pleaded, answer and be answered unto, defend and be defended, in any court of law or equity in this state or elsewhere; to have and use a common seal; to alter and change the same at pleasure; to pass such by-laws, rules and ordinances for the good government of said corporation as to them may seem expedient, and generally to do and exercise all matters and things necessary to carry into full and complete effect all the objects of this act.

SEC. 3. *And be it further enacted*, That the sum subscribed to the said capital stock shall be paid in such installments and at such times as may be deemed most expedient by the president and directors of said company: *Provided*, That not more than one half of the subscription be demanded in any one year, from the commencement of the work, nor any payment demanded until at least thirty days' public notice shall have been given of such demand by the president and directors; and if any subscriber shall fail or neglect to pay any installment of said subscription thus demanded, for the space of thirty days next after said subscription shall become due and payable, said president and directors shall be authorised to sell said stock at auction, giving thirty days' public notice of such sale; and said stock shall be deemed and considered in law as personal property.

Of payments of capital stock

SEC. 4. *And be it further enacted*, That so soon as the sum of fifty thousand dollars shall have been subscribed, the commissioners hereby appointed shall call a general meeting of the subscribers at such time and place as they may appoint, and shall give at least fifteen days' notice thereof; and at such meeting the said commissioners shall lay the subscription books before the subscribers then and there present; and thereupon the said subscribers, or a majority of them in value, (each share constituting one vote,) shall elect five directors by ballot to manage the affairs of said company; and the directors thus chosen shall elect from among themselves a president of said company, and may allow him such compensation for his services as they may think just and proper; and in said election, and on all other occasions wherein a vote of stockholders of said company shall be necessary to be taken, each stockholder shall be allowed one vote for every share owned by him or her: *Provided*, any stockholder may and they are hereby authorised to appear and vote by proxy. The commissioners aforesaid, or any three of them, shall be judges of said first election of directors.

\$50,000 sub-
scribed, com'rs.
shall call a mee-
ting of stockhol-
ders.

Five directors to
be elected.

A president.

Rules of voting
by stockholders

SEC. 5. *And be it further enacted*, That the president and directors of said company shall be chosen annually on

Election of president and directors, when held.

the first Monday in January at the town of Wedowee, in the county of Randolph, by the stockholders of said company, and if any vacancy shall occur by death, resignation or otherwise; or if any president or director before the year for which they were elected, shall expire, a person or persons shall be chosen to fill such vacancy for the residue of the year, by said president and directors, or a majority of them, and the president and directors shall hold and exercise their office until their successors are chosen and qualified; and all elections which are by this act, or the laws of said company, to be made on a certain day or at a particular time, if not made on such a day, or at such a time, may be made at any time within thirty days thereafter.

Shall take an oath.

SEC. 6. *And be it further enacted,* That the president and directors of the said company, before they shall act as such, shall swear or affirm, as the case may be, that they will severally discharge their official duties to the best of their skill and ability.

Annual meetings.

SEC. 7. *And be it further enacted,* That at the regular annual meeting of the stockholders of said company, it shall be the duty of said president and directors in office for the preceding year to exhibit a clear and distinct statement in writing of the affairs of the company, for the information of the stockholders, and make and declare such dividends as they may deem proper, of the nett profits arising from the sources of said company, after deducting the current expenses; and they shall divide the same among the proprietors of the stock of said company in proportion to their respective shares.

President and directors may call meetings of stockholders.

SEC. 8. *And be it further enacted,* That the said president and directors shall have power to call meetings of the stockholders at any time, stating in the call the business intended to be done, and none other shall be transacted at such called meeting. A majority of the stockholders in value, in person or by proxy, shall be necessary to transact business; and at such called meetings, a majority in value shall have power to remove any president or director for cause, and appoint others in their stead.

Powers of president and directors.

SEC. 9. *And be it further enacted,* That the said president and directors, or a majority of them, may appoint all such officers, engineers, agents or servants whatsoever, they may deem necessary for the transaction of the business of said company, and may remove any of them at pleasure, and a majority of them shall have power to determine by contract the compensation for all engineers, officers and servants in the employ of said company; and to determine by the by-laws the manner and evidence of all

transfers of stock in said company ; and a majority of said board of directors shall have power to pass all by-laws which they may deem expedient and proper for exercising all the powers vested in the company hereby incorporated, and for carrying into effect this act: *Provided*, That such by-laws shall not be contrary to the constitution of the United States or of this state.

SEC. 10. *And be it further enacted*, That the president and directors of said company, or a majority of them, are empowered to borrow money to carry into effect the objects of this act ; to issue certificates or other evidences of such loan, and to pledge the property of the company for the payment of the same and its interest. May borrow money.

SEC. 11. *And be it further enacted*, That the president and directors shall be and they are hereby invested with all the rights and powers necessary to the construction and repair of a rail road from the town of Lafayette, in the county of Chambers, to intersect or connect with the rail road known and designated as the Lafayette Branch Rail Road Company, at or near said town: *Provided*, Said company give their consent for so connecting and intersecting with said road, to run from thence on such ground as may be selected by the president and directors of said company by Arbacoochee in Randolph county, Alabama, to White Plains in Benton County. Route of road. Proviso.

SEC. 12. *And be it further enacted*, That the said president and directors shall be and they are hereby authorised to contract for and receive conveyances for land, stone or gravel, henceforth, which may be required in the construction of said rail road; and when the owners and company cannot agree, or when the owner is an infant or *non compos mentis*, then it shall be lawful for said president and directors or their agent, to apply to any justice of the peace for a warrant, directed to the sheriff of the county, commanding him to summon a jury of seven disinterested freeholders, a majority of whom shall be authorised to assess the damages under the same rules and regulations now established by law in cases of other roads; said jury shall forthwith assess the value of said lands, stone, gravel and timber, subject to the right of appeal to the circuit court, by either party who shall think themselves aggrieved, when the trial shall be *de novo* by a jury as in other cases, and the land, stone, gravel and timber so contracted for or condemned shall enure to the said corporation upon the payment of the money to the person contracted with, or into the court, as the case may be, and the whole proceedings shall be entered of record in said court at the expense of said company: *Provided, however*, That the said work May acquire right of way and materials.

Proceedings when company and owners cannot agree.

shall in nowise be delayed on account of the proceedings had as aforesaid; but the said company, on tendering the amount to which the land, stone, gravel, or timber shall have been valued, to the owner, or depositing the same in the office of the clerk of said court, may proceed with the work as though no appeal had been taken.

May let the road to contract SEC. 13. *And be it further enacted*, That the president and directors, after having had the tract upon which said road is to run surveyed and selected, may proceed to let the same to contract: *Provided*, That they give twenty days' notice of the time and place of letting the same to contract; and the said road, with all the works, improvements and machinery for transportation used on said road, are hereby vested in said company and their successors.

Penalty for injuring road. SEC. 14. *And be it further enacted*, That in case any person shall wilfully injure or obstruct in any degree the said road, he, she or they shall forfeit and pay to the president and directors of said company three times the amount of all damages which they may sustain in consequence thereof, to be sued for and recovered in the same manner as provided for by law for individuals in like cases, and on complaint made to any magistrate within whose jurisdiction such offence shall be committed, it shall be the duty of such magistrate to bind over the person or persons so offending with sufficient security for his, her or their good behavior for a term not less than one year; and such offender shall also be subject to indictment, and shall be sentenced, at the discretion of the court, to be imprisoned not less than six nor more than eighteen months in the common jail of the county.

May levy and collect tolls. SEC. 15. *And be it further enacted*, That after the completion of said road or any part thereof, the said president and directors may lay and collect toll from all persons, property, merchandise or other commodity transported thereon.

When to commence and finish road. SEC. 16. *And be it further enacted*, That the said company shall commence the building of said rail road within five years from the passage of this act, and shall complete the same within fifteen years from the passage aforesaid.

Duration of charter. SEC. 17. *Be it further enacted*, That this act shall be and continue in force for the term of fifty years, unless sooner forfeited under the provisions of the preceding section.

APPROVED, 12 February, 1850.

[No. 127.]

AN ACT

To amend the charter of the Girard and Mobile Rail Road.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,*

That the said rail road company shall not offer for sale or sell the forfeited stock in said road in larger quantities than five shares. Restrictions in sale of stock.

SEC. 2. *And be it further enacted,* That if at any time all or any portion of the property of said rail road shall be sold for the debts of the company either under mortgage or execution, that it shall not be sold in lots of more than five thousand dollars worth of said property of said company, to be valued at the engineer's estimate at the time of building the road. Sale of property of company regulated.

APPROVED, 13 February, 1850.

[No. 128.]

AN ACT

To incorporate the Memphis and Charleston Rail Road Company.

WHEREAS an act was passed by the State of Tennessee bearing date the 2d day of February, 1846, and the same was amended by an act of the same state dated February 4th, 1848, for the formation of a company under the name and style of the Memphis and Charleston Rail Road Company, for the purpose of establishing a communication by rail road between Memphis, Tennessee, and Charleston, South Carolina; and whereas it is believed that the most eligible route for said road is through a portion of this state; and whereas it is also believed that great and lasting benefits will accrue to the inhabitants of this state from said improvement, therefore Preamble

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the said company shall have the right of way through the territory of this state to construct their road along the valley of the Tennessee river to the town of Huntsville, and thence to some point on the Nashville and Chattanooga rail road or to some point on the Georgia or other rail road leading eastwardly, so as to communicate with Charleston and other Atlantic points; and that said company shall have the right of way over the bed or bank of the Muscle Shoals canal, provided it be found necessary in the construction of said road; and shall also have the right of way through any lands belonging to the State of Alabama, or to the bank of the State of Alabama, or to Right of way thro' this state granted.

any of the branch banks of said state, together with the right to use any stone, timber or other materials on said lands, necessary in the construction of said road; and said company shall have and enjoy all the rights, powers and privileges granted to them by the acts of incorporation above mentioned, and shall be subject to all the liabilities and restrictions imposed by the same, together with the following requirements:

Comp'ny to construct br. road to Florence or Tuscumbia.

SEC. 2. *And be it further enacted*, That in the event said road shall be located through Tuscumbia, it shall be the duty of the company to construct a branch to Florence; and in the event said road shall pass on the north side of the Tennessee river near Florence, it shall be the duty of said company to construct a branch to Tuscumbia: *Provided*, That the subscriptions in the town or county applying for such branch shall be fully sufficient to pay the cost of the same.

Books to be opened in this state for a subscription of \$15-000.

SEC. 3. *And be it further enacted*, That said company shall be authorised and required to open books for the subscription of stock in the capital of said corporation in the State of Alabama, so as to afford the citizens thereof an opportunity to take stock to the amount of fifteen hundred thousand dollars of the capital of said company: *Provided*, That if said fifteen hundred thousand be not subscribed in Alabama within ninety days after the books are opened, then it may be taken elsewhere.

Elections for directors.

SEC. 4. *And be it further enacted*, That the said company shall, at the first meeting of the stockholders, designate a time when and a place or places in North Alabama where, for the convenience of the citizens of the state, who may be stockholders, the subsequent election for directors shall be held, and shall give notice thereof in one or more newspapers published in North Alabama; and said elections shall be held at the same time both in this state and in Tennessee.

Money subscribed in this state to be applied in this state.

SEC. 5. *And be it further enacted*, That the moneys subscribed by the citizens of Alabama, whether by the state, counties, corporations or individuals, shall first be applied to the construction of the road within the limits of the State of Alabama, and said moneys shall be placed in some safe depository in North Alabama until required for use: *Provided*, That nothing in this section shall be so construed as to prevent the company from putting under contract the whole road whenever in their estimation a sufficient amount of funds shall have been obtained.

Equality in tolls

SEC. 6. *And be it further enacted*, That said company shall not charge for the transportation of persons or property any higher rates on one part than on another of said

road; but the tolls shall be equal and uniform on every part of said road for articles of the same description, whether passing in the one direction or the other.

SEC. 7. *And be it further enacted*, That the company hereby incorporated shall not locate their road on the track of the Tennessee Valley Rail Road, nor of any other rail road which has heretofore been chartered by this state, provided companies have been organised under the same, without first procuring the assent by agreement with said companies; but it shall be lawful for the company hereby incorporated to acquire by purchase, gift, lease or otherwise, from any other company, all the rights, privileges and immunities of said company, and possess and enjoy the same as fully as they were or could be possessed or enjoyed by the company making the transfer.

SEC. 8. *And be it further enacted*, That any rail road company now chartered or hereafter to be chartered in this state shall have the right to connect their road with the road authorised by this act.

SEC. 9. *And be it further enacted*, That nothing contained in this act shall prevent the State of Alabama from levying and collecting such taxes on the property of the said company within this state as shall by the general assembly of the state be assessed on the property of other rail roads in this state; nor shall anything therein be construed as to prevent the chartering and building other rail roads in this state coming within any distance whatever of said road; any thing in the said law of Tennessee to the contrary notwithstanding.

APPROVED, 7 January, 1850.

No. 129.]

AN ACT

to amend an act entitled "An act to incorporate the Memphis and Charleston Rail Road Company, approved January 7th, 1850."

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the subscribers to the capital stock of the Memphis and Charleston rail road in the State of Alabama, from a failure to obtain the necessary legislation from the States of Tennessee and Mississippi, or from any other cause, deem it expedient to form a separate and independent organization; then and in that event they are hereby vested with full power and authority to do the same; and said company so organised shall be known by the name and style of the Mississippi and Atlantic Rail Road Company,

Stockholders may form separate organization.

and shall have and enjoy all the rights, privileges and powers, heretofore granted or intended to be granted, and be subject to all the limitations, restrictions and liabilities, heretofore imposed or intended to be imposed in the several acts incorporating the Memphis and Charleston Rail Road Company.

Commissioners appointed with full powers. SEC. 2. *And be it further enacted*, That in order to enable said subscribers to perfect the organization contemplated in the foregoing section, Samuel Cruse, Francis J. Levert, John W. Otey, Richard W. Vasser, Jesse W. Garth, Edgar Swoope, E. D. Towns and James H. Weakley, be and they are hereby appointed commissioners in the place and stead of LeRoy Pope and others, named and appointed by the original act, approved February 2, 1846, with full power and authority to do and perform all the duties which were required of or authorised to be done by said commissioners in said original act of incorporation.

Company may connect or consolidate with other company. SEC. 3. *And be it further enacted*, That should an organization take place under the provisions of this act, said company are hereby authorised and empowered to form a connection by consolidation or otherwise, with any company or companies which have been or may be formed under the authority of either the legislature of the State of Tennessee or Mississippi, and to select for the western termination of said road any point within the limits of the State of Tennessee or Mississippi.

Capital stock may be increased. SEC. 4. *And be it further enacted*, That should the sum of fifteen hundred thousand dollars heretofore authorised to be raised be insufficient for the construction of said road within the limits of the State of Alabama, said company may and they are hereby authorised and empowered to increase their capital stock to any amount not exceeding the sum of twenty-five hundred thousand dollars.

APPROVED, 12 February, 1850.

[No. 130.]

AN ACT

To incorporate the Auburn Branch Rail Road Company.

Commissioners to open books of subscription. SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That J. W. Echols, J. F. White, N. J. Scott, F. W. Dillard, M. Turner, J. W. Kidd, John Eady, John Knight, Wesley Williams, Edwin Reese, be and they are hereby appointed commissioners; any five of whom shall be competent to act and do all business necessary to be done by virtue of this act of incorporation, and under the direction

of a majority of whom subscriptions may be received to the capital stock of the Auburn Branch Rail Road Company; and they shall cause books to be opened in the town of Auburn, and at such other places as they may think proper, for the purpose of receiving subscriptions from time to time to the capital stock of said company until the sum of fifty thousand dollars shall be subscribed, and shall give such public notice, not less than ten days, of the time and place of the opening of said books as they may think proper.

SEC. 2. *Be it further enacted*, That the capital stock of said branch rail road company shall not exceed four hundred thousand dollars, in shares of one hundred dollars each; and so soon as fifty thousand dollars shall be subscribed, the subscribers of said stock, their successors and assigns shall be and they are hereby declared to be incorporated into a company by the name of the Auburn branch rail road company; and by that name shall be capable in law of purchasing, holding, leasing, selling and conveying real, personal and mixed property, so far as shall be necessary for the purposes hereinafter mentioned; and by said corporate name may sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity in this state or elsewhere; to have and use a common seal, to alter and change the same at pleasure; to pass such by-laws, rules and ordinances as they may deem proper for the government of said corporation.

Capital stock.

\$50,000 subscribed, company declared a body corporate.

Name and style.

Corporate powers.

SEC. 3. *Be it further enacted*, That the sums subscribed to said capital stock shall be paid in such installments and at such times as may be deemed most expedient by the president and directors of said company: *Provided*, That not more than one-half of the subscription be demanded in any one year from the commencement of the work, nor any payment be demanded until at least thirty days' public notice shall have been given of such demand by the president and directors; and if any subscriber shall neglect or fail to pay any installment of said subscription thus demanded for the space of thirty days next after said subscription shall become due and payable, said president and directors shall be authorised to sell said stock at auction, giving thirty days' public notice of such sale; and said stock shall be deemed and considered in law as personal property.

Payments of stock.

Proviso.

SEC. 4. *Be it further enacted*, That as soon as two hundred shares shall have been subscribed, the commissioners hereby appointed shall call a meeting of the subscribers at

When commissioners shall call a meeting of stockholders.

such time and place as they may appoint, and shall give at least thirty days' notice thereof ; and at such meeting the said commissioners shall lay the subscription books before the subscribers then present, and thereupon the said subscribers, or a majority of them in value, each share constituting a vote, shall elect five directors by ballot to manage the affairs of said company ; and said directors shall elect from among themselves a president of said company, and may allow him such compensation as they may think proper ; and in said election and on all other occasions wherein a vote of the stockholders shall be necessary to be taken, each stockholder shall be allowed one vote for every share owned by him or her : *Provided*, That any stockholder may and they are hereby authorised to appear and vote by proxy ; the commissioners aforesaid, or any three of them, shall be judges of the election of the first directors.

Election of five directors.

President.

Rules of voting by stockholders.

Annual election

Oath of presid't. and directors.

General powers of president and directors.

SEC. 5. *Be it further enacted*, That the president and directors of said company shall be chosen annually by the stockholders of said company ; all vacancies may be filled by the directors until the annual election ; and the president and directors of said company, before they shall act as such, shall swear or affirm that they will severally discharge their official duties to the best of their skill and ability.

SEC. 6. *Be it further enacted*, That the said president and directors, or a majority of them, may appoint all such officers, engineers, agents, or servants whatsoever, as they may deem necessary, and may remove any of them at pleasure ; and a majority of them shall have power to determine by contract the compensation for all such officers, engineers, agents and servants in the employment of said company ; and to determine by by-laws the manner and evidence of all transfers of stock in said company ; and a majority of said board of directors shall have power to pass all by-laws which they may deem necessary and proper for exercising all the powers vested in this company : *Provided*, That such by-laws shall not be contrary to the constitution of this state or of the United States.

SEC. 7. *Be it further enacted*, That the President and directors of said company, or a majority of them, are empowered to borrow money to carry into effect the objects of this act ; to issue certificates or other evidences of each loan, and to pledge the property of the company for the payment of the same and its interest.

May borrow money.

SEC. 8. *Be it further enacted*, That the president and directors shall be and they are hereby invested with the

rights and powers necessary to the construction and repair of a rail road from the town of Auburn, in the county of Macon, to intersect or connect with the Girard and Mobile rail road, at the most suitable and practicable point; said point of connection to be determined upon by the president and directors of said company: *Provided*, The Girard and Mobile rail road company give their consent for so connecting and intersecting said road. Route of road.

SEC. 9. *Be it further enacted*, That said president and directors shall be and they are hereby authorised to contract for and receive conveyances for land, stone or gravel, which may be required in the construction of said branch rail road; and when the owners and company cannot agree, or where the owner is an infant or *non compos mentis*, then it shall be lawful for said president and directors or their agent to apply to any justice of the peace for the county through which said road runs for a warrant directed to the sheriff of the county, commanding him to summon seven disinterested freeholders, a majority of whom shall be authorised to assess the damages under the same rules and regulations now established by law in cases of other roads; said jury shall forthwith assess the value of said land, stone, gravel and timber, subject to the right of an appeal to the circuit court, by either party who shall think themselves aggrieved, when the trial shall be *de novo* by a jury, as in other cases; and the land, stone, gravel and timber so contracted for or condemned shall enure to the said company, upon the payment of the money to the person contracted with or unto the court, as the case may be; and the whole proceedings shall be entered of record in said court at the expense of said company: *Provided, however*, That the said work shall in nowise be delayed on account of the proceedings had as aforesaid; but said company on tendering the amount to which the land, stone, gravel, or timber shall have been valued to the owner, or depositing the same in the office of the clerk of said court, may proceed with the work as though no appeal had been taken. May acquire right of way and materials.

SEC. 10. *Be it further enacted*, That the said president and directors, after having had the track upon which said branch rail road is to run, surveyed and selected, may proceed to let the same to contract: *Provided*, That they give twenty days' notice of the time and place of letting the same to contract; and the said road, with all the works, improvements and machinery for transportation used on said road are hereby vested in said company and their successors. Proceedings when comm'r's. and owners cannot agree.

Work may be let to contract.

Penalty for in-
juring road.

SEC. 11. *Be it further enacted*, That in case any person shall wilfully injure or obstruct in any degree the said road, he shall forfeit and pay to the president and directors of said company three times the amount of all damages which they may sustain in consequence thereof, to be sued for and recovered in the same manner as provided for by law for individuals in like cases; and on complaint made to any magistrate within whose jurisdiction such offence shall be committed, it shall be the duty of such magistrate to bind over the person or persons so offending, with sufficient security for his or their good behavior for a term not less than one year; and such offenders shall also be subject to indictment, and shall be sentenced at the discretion of the court, to be imprisoned not less than six nor more than eighteen months in the common jail of the county.

May collect tolls

SEC. 12. *Be it further enacted*, That after the completion of said road, or any part thereof, the said president and directors may lay and collect toll from all persons, property, merchandise, or other commodities transported thereon.

When to be
completed.

SEC. 13. *Be it further enacted*, That said branch rail road company shall be allowed ten years for the completion of said road.

Restriction.

SEC. 14. *And be it further enacted*, That nothing herein contained shall be so construed as to authorise banking privileges to said company.

APPROVED, 9 February, 1850.

[No. 131.]

AN ACT

To incorporate the Limestone county Turnpike Company.

Commissioners
to receive sub-
scriptions of ca-
pital stock.

Capital \$40,000.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Daniel Coleman, John R. Mason, Robert S. Clark, Roswell Hine, Thomas A. Nelson, Thomas Martindale, John N. Steel, Thomas Redus, Andrew McWilliams, and Robert C. David, be and they are hereby appointed commissioners to open books for the purpose of receiving subscriptions to the amount of forty thousand dollars, to be applied to the construction of a macadamised road from the public square in the town of Athens, Alabama, in a northwardly direction to the Tennessee state line, the precise route thereof to be located by a majority of the directors elected as hereinafter specified; which said

sum of forty thousand dollars shall be divided into shares of twenty-five dollars each; and the subscription shall be in person or by attorney; and so soon as ten thousand dollars shall be subscribed, it shall be the duty of the commissioners to call a meeting of the subscribers in the town of Athens, of which meeting the commissioners shall give twenty days' notice in some newspaper printed in said town; and the said subscribers, from and after the first meeting, shall be and they are hereby constituted a body politic and corporate, by the name of the Limestone county Turnpike Company, and shall so continue; and as such may sue and be sued, plead and be impleaded, answer and be answered, sell and purchase; and have a common seal; the subscribers or a majority of them, who shall be present at the first meeting, shall elect nine directors, being shareholders, who shall elect one of their body president of the board of directors; and the president and directors thus chosen shall continue in office one year, and until another election shall take place. The president and directors thus chosen shall have power to receive subscriptions for the residue of the forty thousand dollars, until the whole sum shall be subscribed for, and to make contracts with any person for the construction of said road, and for performing such other work thereon as they may think proper and necessary; and to require from time to time of the subscribers such advances on the respective shares as the wants of said company may require and demand, until the whole subscription shall be paid: *Provided*, That no call shall be made for more than five dollars at any one time on each share, upon such notice as may be before prescribed by the directors at an annual meeting. Said directors shall have power upon all emergencies to call a general meeting of the subscribers, giving thirty days' notice in a newspaper printed in Athens; and it shall be their duty to call such general meeting under the regulations aforesaid, whenever a majority of the stockholders shall require it. They shall also be empowered to appoint a treasurer, clerk, and such other officers as may be necessary to sign and settle all accounts and to transact all business of the said company during the intervals between the general meetings.

SEC. 2. *And be it further enacted*, That if any subscriber shall fail to pay the sum of five dollars on each share within thirty days after the same shall have been required by advertisement as aforesaid, it shall be lawful for the president and directors to sell at auction and convey to the purchaser the share or shares of said subscriber thus failing

\$10,000 sub-
scribed, compa-
ny may organ-
ize.

Corporate name
and style.

Powers.

Board of direct-
ors.

Powers of board

Proviso.

Proceedings on
failure to pay
stock.

or refusing to pay, and after retaining the sum due with costs of sale, to pay over the surplus to the former owner of such share or shares; and if the sale shall not produce the sum to be advanced with interest and incidental charges, in that case it shall be lawful for the company to recover the balance of the original proprietor, on motion before the county or circuit court where such delinquent resides, ten days' previous notice being given, or by warrant before any justice of the peace where the same does not exceed fifty dollars, upon giving the notice aforesaid; and all persons purchasing under the sale of the president and directors shall be subject to the same rules, regulations, restrictions, and penalties as the original proprietors.

Proceedings of
board of direct-
ors regulated.

SEC. 3. *And be it further enacted*, That the president and directors, or any five of them, shall be sufficient to transact ordinary business; and all vacancies which shall happen in the office of president or directors between the regular meetings of the shareholders, shall be supplied by the directors, two-thirds of the whole number being present; the clerk shall keep a regular journal of all the proceedings had, and motions made at the several meetings; and each director shall be at liberty to call the yeas and nays upon any question; and it shall moreover be the duty of the president and directors to furnish printed certificates, stating the number of shares held by each subscriber, which certificate shall be transferable by deed, which shall be recorded in a book kept by said company, acknowledged by the vender or proved by two witnesses before the said clerk; which transfer thus recorded shall to all intents and purposes constitute the assignee a member of said company, subject to all the rules and regulations thereof.

Annual election
of directors.

SEC. 4. *And be it further enacted*, That an election for directors of said company shall be annually held in the town of Athens, on the same day of the same month on which the first election was held; (unless the same be on Sunday, and then on the day following); and at each election including the first, the shareholders present or by proxy by a plurality of votes, shall elect by ballot said directors; and if said election should not take place on that day, it shall be held in the same manner and with like effect on some early day, to be appointed by the president and directors then in office, of which thirty days' notice shall be given in a newspaper printed in the town of Athens; and to constitute any such annual meeting of the company the presence of a majority of shareholders, by themselves or proxy, shall be necessary. In counting votes each member shall

be allowed one vote for every five shares held by him in the company at that time; and the directors shall render fair and distinct accounts of their proceedings and of all disbursements of money to each annual meeting of the subscribers previous to the election of directors by said meeting for the ensuing year.

SEC. 5. *And be it further enacted*, That said company shall construct said road on the sites of those now in use so far as they may deem expedient, but may deviate therefrom should they think fit for the purpose of straightening said road. The said road shall be laid out thirty feet wide, eighteen feet of which shall be bedded with earth or some other approved material used in the construction of macadamised roads, so as to secure a solid foundation; it shall be faced with gravel or broken stone of a depth not less than eight inches, in such a manner as to secure a firm and even surface, rising in the middle by a gradual arch, to be protected on the sides by ditches so constructed as to permit, when practicable, carriages to turn off said road; all the culverts and bridges on said road shall be of stone; the bridges to be secured by substantial railing on the sides: *Provided*, That said road shall be twenty-one feet wide to the distance of one mile from the corporate limits of the town of Athens, made in the manner herein directed.

Powers and duties in the construction of road

SEC. 6. *And be it further enacted*, That so soon as the president and directors shall have completed the road from Athens to the distance of four miles therefrom, they shall give notice thereof to the judge of the county court of Limestone county, who shall thereupon appoint three discreet freeholders, not interested in said road, to view the same and to report to him in writing whether said road is completed in a workmanlike manner, according to the requisitions of this act; and if they, or a majority of them report in the affirmative, it shall be the duty of said judge to issue a license under the seal of said county to said president and directors and their successors in office, to erect toll gates and collect tolls as is authorised by this act; and in like manner shall license be granted and toll gates erected when the whole shall be completed: *Provided, nevertheless*, That no gate shall be erected nearer than two and a half miles from the public square in the town of Athens.

Four miles of road completed —judge of county court shall be notified.

Road shall be viewed.

Gates may be erected.

Proviso.

SEC. 7. *And be it further enacted*, That it shall be the duty of the judge of the county court of Limestone county and the commissioners of roads and revenue of said county annually to appoint three inspectors of said turnpike road, authorised by this act, whose duty it shall be upon the complaint of any two freeholders in writing that said road is out of repair, to inspect the same, and if they find the

Road shall be inspected annually.

complaint to be just, they shall give notice in writing of such defect to the toll gatherer nearest the place out of repair, or may order the gates opened at their discretion: *Provided*, That no order shall be made without five days' previous notice to making such order: *And provided, also*, That at the end of that time the road shall not be repaired.

SEC. 8. *And be it further enacted*, That whenever said inspectors shall order any gate to be opened no toll shall be collected, nor shall the gates be closed until a certificate be granted by the inspectors, or a majority of them, that the road is repaired.

SEC. 9. *And be it further enacted*, That if the keeper of any gate ordered to be thrown open, shall not immediately obey such order, or shall not keep the same open until a certificate be granted, permitting it to be closed, or shall hinder or delay any one in passing, or shall at any time take more toll than is allowed by law, the said company for each and every such offence shall forfeit and pay to the aggrieved the sum of ten dollars, to be recovered with costs of suit before any competent tribunal.

SEC. 10. *And be it further enacted*, That if any one shall forcibly or fraudulently pass any turnpike gate, or shall dig up or spoil said road, he, she, or they committing such offence shall be subject to a penalty of ten dollars, in addition to the damages resulting from such wrongful act, which penalty shall be recovered by said company before any justice of the peace in the county of Limestone, or other competent tribunal.

SEC. 11. *And be it further enacted*, That the following shall be the rate of toll receivable at each gate on said turnpike road: not to exceed for every twenty head of hogs or sheep, twenty cents; for every twenty head of horned cattle, thirty-seven and a half cents; for every horse, mule, or jackass, not employed in drawing a carriage, four cents; and so in proportion for any greater or less number of the above named animals; for every four wheeled pleasure carriage, thirty-seven and a half cents; for every two wheeled pleasure carriage, eighteen and three-fourth cents; for every loaded wagon, thirty-seven and a half cents; for every empty wagon, eighteen and three-quarter cents; for every man and horse, twelve and a half cents; for every loaded cart, eighteen and three-quarter cents; for every empty cart, twelve cents; for every stage or mail coach, thirty-seven and a half cents. The tolls when received shall be applied by the president and directors to finishing and completing the residue of said road; and so soon as said road shall be entirely completed according to the true intent of this act, a majority

of the stockholders may and shall order the nett profits from tolls hereby granted, to be divided half yearly among the proprietors of said company in proportion to their respective shares ; and should any person refuse to pay the toll hereby granted at the time of offering to pass, the toll gatherer may lawfully refuse a passage to such person or thing liable for toll as aforesaid ; and if any person, article or thing liable for toll shall by any ways pass without payment thereof, on demand made and refused to pay, the toll gatherer may by warrant in the name of said company, from any justice of the peace recover from the owner or person in possession of such article or thing subject to toll, five dollars for each offence.

Penalty for refusing to pay toll.

SEC. 12. *And be it further enacted*, That if said company shall not begin the said work within two years after said company shall have been formed, or shall not have completed the said road within seven years thereafter in the manner herein directed, then and in that case, all the right and interest in said road and tolls hereby vested in said company shall forever cease and be forfeited.

Road, when to be commenced and completed.

SEC. 13. *And be it further enacted*, That when the said road shall have been completed and inspected by freeholders as aforesaid, the said company may erect on said road three toll gates at such places as they may deem fit : *Provided, however*, That neither of the said toll gates shall be within three miles of any other toll gate on said road.

Road complet'd, three gates may be erected.

Proviso.

SEC. 14. *And be it further enacted*, That the president and directors of said company shall have power to borrow money, contract debts, and be contracted with upon the credit of the stock of said company, and to pledge personal and real estate for the payment of the debts of the said corporation ; and it shall be lawful for said company in the location of said road to select necessary sites for the location of gates and toll houses, not exceeding two acres at any one point ; also to locate parts of said road on private property if they shall deem it necessary to deviate from the present site of the public road, and in case the president and directors cannot agree with the owners of lands or materials required for said road as to compensation therefor, and in case the owner thereof be an infant, non-resident, or *non compos mentis*, then and in either case it shall be lawful for the said president and directors to apply to the judge of the county court of Limestone county, and on such application it shall be the duty of the said judge forthwith to issue a warrant under his hand and seal directed to the sheriff of said county of Limestone, commanding him to summon the owner of such land or materials if found in his county, and also to summon a jury of

Power of company in borrowing money.

May acquire right of way &c.

Proceedings when company and owner of lands can not agree.

five disinterested freeholders to appear before him on the land, or at the place where such materials may be, at a time not exceeding ten days from the issuance of said precept, whose duty it shall be to assess the value of the land or material so required; and in the case of lands they shall in the same assessment assess the damages that the owner thereof may sustain by reason of the land being so taken for the use of said road; and it shall be the duty of the said judge to make a record thereof, and return the same to the clerk of the circuit court of Limestone county, and the said clerk shall enter the same as a cause on the trial docket of said court at the term succeeding the return thereof, and on motion, if no objection be made the same shall be affirmed and judgment thereof entered as in other cases; and if said motion be resisted and sufficient cause in law be shown for setting aside said assessment, the judgment thereof shall be entered and the court shall forthwith order an issue to be made between the parties to try the same matter; and the parties shall proceed therein *de novo*, and at the same term of the court, unless sufficient cause be shown by either party for the continuance thereof: *Provided*, That the judgment of the circuit court when for the claimants, shall be that the lands in question or the materials as the case may be, are condemned to the use of the said Limestone county Turnpike Company, and the said company shall pay to the defendant such sum, together with costs, as may be found by the jury to be a reasonable and proper compensation, and the same shall become vested in said company for the purposes aforesaid; and in all cases of final judgment the party aggrieved shall have his writ of error as in other cases: *And be it further provided*, That the work shall in nowise be delayed by any proceedings had in the premises, after the judge of the county court shall return to the clerk of the circuit court the assessment by the jury by him convened, but the president and directors tendering the sum so assessed to the owner, or on depositing the amount for the use of the owner of such land or material with the clerk of said circuit court, may proceed with the work as upon final judgment in favor of said claim; and in case of tender as aforesaid and acceptance thereof, such acceptance shall be considered as a release of all errors in the proceedings, and the circuit court shall on suggestion enquire thereof and give judgment accordingly.

Sec. 15. *And be it further enacted*, That the president and directors shall pay to the judge of the county court one dollar for each warrant he may issue under the authority of this act; one dollar per day to each freeholder who

Fees of judge of
county court.

may be summoned before him under the same ; and one dollar to each inspector for every day he may be engaged in performing the duty required of him by this act.

SEC. 16. *And be it further enacted*, That the commissioners appointed by the first section of this act shall give thirty days' notice in some newspaper published in the town of Athens, of the time the books will be opened to receive subscriptions of stock, and that no person shall be allowed to subscribe for more than fifty shares until after the expiration of ten days from the time said books shall first be opened as aforesaid.

Duties of commissioners appointed in first section.

APPROVED, 12 February, 1850.

[No. 132.]

AN ACT

To amend and explain the charter of the Eufaula and Mobile Rail Road Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in addition to the powers granted by the charter of the Eufaula and Mobile Rail Road Company, said company shall have power to erect, establish and use, (*instead of rail road*) that species of improvement usually called plank road, and to substitute either for the other at their discretion, through the whole or any part of their line.

Plank road may be constructed instead of rail road.

SEC. 2. *Be it further enacted*, That the first and second sections of an act entitled an act to amend and explain an act entitled an act to incorporate the Mobile and Ohio Rail Road Company, passed at the present session of the general assembly, be and they are hereby amendatory and explanatory of the act incorporating the Eufaula and Mobile Rail Road Company ; and said company shall have all like powers as are conferred by said first and second sections ; and said first and second sections shall, as applicable to the Eufaula and Mobile Rail Road Company, be construed in reference to the true intent and object of this act, and especially the words beginning and terminus of the road of the Eufaula and Mobile Rail Road Company, shall be understood and read in lieu of the words city of Mobile, where they occur in said first section.

Provisions of a certain act applied.

APPROVED, 2 February, 1850.

[No. 133.]

AN ACT

To incorporate the Florence and Lawrenceburg Turnpike or Plank Road Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,*

Corporators.

That George W. Foster, John S. Wilson, Hiram Kennedy, James Ham, A. F. Beackin, John Simpson, Robert M. Patton, Joseph Hough, Thomas J. Foster and Abner Dean,

Name and style.

or any five of them, be and they are hereby constituted a body politic and corporate, to be known and distinguished by the name of the "Florence and Lawrenceburg Turnpike or Plank Road Company," (and shall so continue;) and as

Powers.

such may sue and be sued, plead and be impleaded, answer and be answered in any of the courts of this state, and

May construct road.

have a common seal; and may elect one of their own body president of said company; and shall have power and are hereby authorised to open and establish a turnpike or plank road from Florence, in the county of

Lauderdale, to the line of the State of Tennessee, in the direction of Lawrenceburg in said state, crossing Shoal creek at Foster's factory; and may proceed forthwith to mark out the most fit, convenient and practicable route for said road.

Powers of company in acquiring land and materials for constructing road.

SEC. 2. *Be it further enacted,* That for the purpose of making said road and keeping it in repair, the president

and company and their agents shall be and they are hereby authorised to contract for and receive conveyances for

land, stone, gravel or other material henceforth which may be required in the construction of said road; and

when the owners and company cannot agree, or when the owner is *feme covert*, infant or *non compos mentis*, then it

Proceedings when company and owner of land cannot agree.

shall be lawful for said company or their agent to apply to any justice of the peace for a warrant, directed to the

sheriff of the county, commanding him forthwith to summon a jury of five disinterested freeholders, who after

being duly sworn by such sheriff well and truly and to the best of their judgment to assess the damages which may

accrue to such owner or owners of the lands and materials required for the purposes of the proposed construction,

shall upon their own view ascertain the fair and reasonable value of said land, timber or other materials, subject

to the right of appeal by either party who shall think themselves aggrieved, when the trial shall be *de novo* by a

jury as in other cases; and the land, stone, timber or other materials so contracted for or condemned shall enure to the

said company for the purposes aforesaid upon the payment of the money to the person contracted with or into court,

as the case may be. The whole proceedings shall be entered of record in said court at the expense of said company, unless the court shall otherwise order: *Provided*, That the said work shall in nowise be delayed on account of the proceedings had as aforesaid, but the company on tendering the amount to which the land, stone or other materials have been valued to the owner or depositing the same in the office of the clerk of said court, may proceed with the work as though no appeal had been taken. Proviso.

SEC. 3. *Be it further enacted*, That said road shall be opened at least thirty feet wide, with sufficient ditches on each side to carry off the water and drain the same; shall gradually descend from the middle to said ditches; shall be substantially paved, graveled or planked; shall have substantial and sufficient bridges where necessary; and in all respects shall be completed in a faithful and substantial turnpike or plank road like manner; and when the said road shall be thus finished and completed for the distance of five miles, beginning at Florence, the said president and company may apply to the governor of this state for the time being, whose duty it shall be forthwith to appoint three discreet and disinterested freeholders to view and examine said road; and on the report of said examiners, or any two of them, that the said road has been finished and completed for the distance aforesaid according to the true intent and meaning of this act, it shall be the duty of the governor to issue his certificate under the seal of the state authorising the president and company to erect one toll gate and appoint a toll-gatherer to demand and receive the tolls hereinafter named, which tolls are hereby declared to be as follows, to-wit: for every twenty head of sheep, 20 cents; for every twenty head of hogs, 20 cents; for every twenty head of neat cattle, 40 cents; for every horse or mule not in a drove, 5 cents, if in a drove, 2 cents; and so in proportion for any smaller number of said animals; for every four wheel pleasure carriage drawn by two horses, 25 cents; for a like carriage drawn by one horse, 10 cents; for every two wheel carriage or sulky, 10 cents; for every loaded wagon drawn by two horses or oxen, 15 cents; for a like wagon drawn by four horses or oxen, 20 cents; and for every loaded wagon drawn by five or six horses or oxen, 25 cents; for every cart, 10 cents; for every empty wagon drawn by two horses or oxen, 10 cents; for a like wagon drawn by four or six horses or oxen, 15 cents. Dimensions of road.

5 miles of road completed shall be viewed by order of the gov.

Gov. may issue certificate upon return.

May charge toll.

Rates.

SEC. 4. *Be it further enacted*, That when the president and company aforesaid shall in like manner have finished and completed five miles more of said road they shall be Five miles more completed additional gate may be erected.

Proviso.

entitled to an additional gate, and be entitled to demand and receive the same toll as allowed for the first gate, and so on for every five miles until said road shall be completed to the line between Alabama and Tennessee: *Provided*, That no gate shall be erected nearer than two miles to Florence, and that said company shall have the right to erect four gates on said road, including the one to be erected at or near the state line: *And provided also*, That five miles of said road shall be made and completed in each and every year, commencing on the first day of January, 1851, until the whole is finished.

Penalty for refusal to pay toll.

SEC. 5. *Be it further enacted*, That if any person shall refuse or neglect to pay the toll hereby granted at the time of offering to pass, the toll-gatherer may lawfully refuse passage to such person or persons, or things subject to the toll aforesaid; or if any article or thing liable to toll shall by any means pass without payment when demanded by the toll-gatherer, the company may, by warrant from any justice of the peace, recover from the owner or persons in possession of such property subject to toll, five dollars for each offence.

Road out of repair gate may be opened.

SEC. 6. *Be it further enacted*, That if the said company shall fail to keep the said road in good repair for the space of ten days, and information thereof shall be given to any justice of the peace in the neighborhood, he shall issue his warrant to a constable, commanding to summon three freeholders to meet at a certain time and at the place complained of, reasonable previous notice having been given to the president or some one of the company; and if on report of said freeholders, or any two of them, it shall be found in presence of said magistrate that said road is out of repair according to the intent and meaning of this act, the toll hereby granted shall cease to be demanded at the nearest gate until such defective part of said road shall be put in good order; and the company moreover shall be subject to a fine of twenty dollars, to be recovered before any justice of the peace, which justice shall take into view all the circumstances of the case; which fine shall be applied to the use of the common schools of the county of Lauderdale forever.

Powers of company.

SEC. 7. *Be it further enacted*, That the members of the company heretofore named shall have power to increase their numbers as often and to as great an extent as they or a majority of them may from time to time agree, and shall have power to transfer the stock thereof on the books of said company in such manner as they may provide by the by-laws thereof; and the assignee or assignees of said stock so transferred shall be entitled to all the rights,

privileges and immunities as the original members of said company, and be liable to all the responsibilities of the said original members of said company.

SEC. 8. *Be it further enacted*, That the affairs of said company shall be managed until the first Monday in January, 1852, by the commissioners named in the first section of this act, one of whom, as therein provided, shall be president thereof. Affairs, how managed first year.

SEC. 9. *Be it further enacted*, That thirty days before the expiration of the period for which the commissioners hereby appointed are authorized to manage the affairs of said company, it shall be the duty of the president of said company to advertise in some newspaper published in the town of Florence that an election of ten other commissioners shall take place at the court house in the town of Florence on the first Monday of January following for the ensuing twelve months; and at the expiration of every twelve months thereafter they shall open and hold a similar election for a like number of commissioners, who shall manage the affairs of said company for one year, or until successors are appointed. Afterwards.

SEC. 10. *Be it further enacted*, That books for subscription to the stock of said road shall be opened by the commissioners at the court house in the town of Florence after having given thirty days' public notice of the time by publication in one of the newspapers of said town; and when an amount sufficient to construct said road shall have been subscribed, the same shall be divided into shares of twenty-five dollars each, and each share shall entitle the holder thereof to one vote in all elections for officers of said company. Books of subscription of stock shall be opened by commiss'rs.

SEC. 11. *Be it further enacted*, That the commissioners herein named and their successors shall at each annual meeting on the first Monday in January make out a full report of the proceedings of said company for the preceding year, showing the gross amount of receipts and expenditures and the amount of money in the hands of said company; and when such shall have been done and the said road completed according to the true intent and meaning of this act, a majority of the stockholders may order the nett profits from the tolls hereby granted to be divided semi-annually among the proprietors of said road according to their respective shares: *Provided*, That in making such disposition of the funds of said company each shareholder shall have one vote for each share of stock held by him. Annual report shall be made.

SEC. 12. *Be it further enacted*, That the said president, directors, company and stockholders of said turnpike or Liability of stock holders.

plank road company shall only be liable individually to the extent of their stock.

SEC. 13. *And be it further enacted*, That this act shall be and continue in force for the term of fifty years, unless sooner forfeited under the provisions of the preceding section.

APPROVED, 12 February, 1850.

[No. 133.]

AN ACT

To incorporate the Livingston and Tombigby Plank Road Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*. That Robert F. Houston, Robert H. Smith, James Hair, John H. Steward, Price Williams, Henry H. Haines, Reuben Thom, J. A. Swifle, James Rhodes, Robt. S. Inge and James T. Hill, their associates and successors, are hereby declared and constituted a body politic and corporate by the name of the Livingston and Tombigby Plank Road Company; and by that name to sue and be sued, plead and be impleaded, answer and be answered in any court of this state; to make, have and use a common seal, and the same to alter, break and renew at pleasure; and the said company is hereby vested with all powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act hereinafter set forth; and may have and hold real and personal property to all extents necessary and proper for the same. And it shall be the duty of the corporators hereinbefore named to open books free to all persons to subscribe for the stock of said company within ninety days after the passage of this charter, and to require a payment in cash of ten dollars per share at the time of subscribing; and also, to advertise the time and place of receiving subscriptions in one or more public gazettes, at least thirty days prior to the opening said books for subscription.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall not be more than ninety thousand dollars, and subscriptions to the same shall be regulated by the parties named in the first section of this act, or a majority of them, as to the time, place, manner and mode of said subscription, and the time and mode of payment, with full power to regulate the whole matter, and to declare forfeitures under certain rules when stockholders fail to comply;

and to do all things necessary to insure the punctual payment of the several installments of stock required as they become due: *Provided*, That any regulation thus adopted shall be general and operate on all alike.

SEC. 3. *Be it further enacted*, That the capital stock of said company shall be divided into shares of fifty dollars each, to be assignable and transferable according to such regulations as said corporation may adopt; and the number of votes to which each stockholder may be entitled on all questions concerning the interest of the company shall be equal to the number of shares held by him, each share being entitled to one vote. Shall be divided into shares.

SEC. 4. *Be it further enacted*, That it shall be lawful for and said company shall have power and authority and is hereby authorised to locate and construct a plank road from Livingston to the Tombigby river by the nearest and most practicable route, or such route as shall be determined on by the stockholders: *Provided, however*, That said road shall not be so located as to interfere with any dwelling-house, or pass through the yard of any dwelling-house, without the consent of the owner of the same: *And provided further*, That the said company shall have the right to connect or join the road which may be constructed under this charter with any other public plank road or roads which may be built under authority of any law of this state, and which right shall be reciprocal. Powers in the construction of road.

SEC. 5. *Be it further enacted*, That whenever fifteen thousand dollars of the stock of said company shall be subscribed for the said company may be considered as organised, and the stockholders may proceed to elect a board of directors, who shall be owners of stock, to manage the business of said corporation; and the said board of directors shall be chosen annually at such time and place as the stockholders may determine; and should the said annual election at any time not be held on the day appointed, it shall be lawful to hold said election on any other day, which election shall be valid to all intents and purposes; and the directors for the time being shall serve until their successors are elected. The said directors shall appoint from their own body a president, and also a secretary or treasurer, and fix their salaries; and shall also have power to employ all such officers, agents, servants or laborers as they may deem necessary for the construction of the proposed road and the transaction of the business of the corporation; and the said directors shall have power to make all such by-laws, rules and ordinances as to them may appear Proviso. Proviso. \$15,000 subscribed comp'y may organise. Board of directors. Powers.

needful, touching the management of the road to be constructed and the effects of the corporation ; and a majority of the directors shall form a quorum for the transaction of business.

SEC. 6. *Be it further enacted*, That said corporation shall have power and authority to acquire by purchase or otherwise a right of way from the owner or owners of land through which the said road may be designed to pass, of sufficient width for the location, construction and accommodation of said road ; and also, to receive from the commissioners of roads and revenue in the county or counties through which said road may run, the use of any highway or highways already dedicated to the public use ; and the said commissioners of roads and revenue are hereby authorised and empowered to grant the use of said highway or highways to the said company, when the said commissioners may deem it expedient for the location or construction of said plank road or construction of toll-houses: *Provided*, That no public road which said commissioners of roads and revenue deem it expedient to be kept open shall be obstructed thereby ; and the said corporation shall also have the power and authority to receive from the municipal authorities of any town in which said road may terminate or through which it may run, the use of any street or streets for the location or construction of said road or toll-houses ; and the municipal authorities of any such town are hereby authorised and empowered to grant to said company the right over and use of any street or streets in said town in such manner and in such direction as the public convenience may permit.

SEC. 7. *Be it further enacted*, That if the said company cannot agree with the owner of the lands through which the desired road may pass, or with the executors, administrators, guardians or trustees, it shall and may be lawful for the clerk of the circuit court of the county in which said land lies, on the application of said company or its agents, and he is required to issue a writ of *ad quod damnum*, commanding the sheriff that without delay he cause a jury of six good and lawful men to be upon such land upon a day to be by said sheriff fixed and appointed, and whereof it shall be his duty to give notice to the owners, administrators, executors, guardians or trustees at least five days before such day, if they be within his county ; or if not, or if the owner or owners be unknown, then notice shall be given by advertisement to be by said sheriff posted and fixed at the dwelling-house, if such there be, or on a

public or conspicuous place, at least five days before such appointed day; and also, by advertising the same in some newspaper published nearest the land at least two weeks prior to said day, by weekly insertions; and then cause said jury, after being duly sworn by said sheriff, or by a justice of the peace, to make true inquest of the damages that will be sustained by such owner or estate by reason of making such road through such land. If any such jury shall fail to appear, or by reason of challenge or otherwise, shall fail to sit on such inquest, the said sheriff shall fill said jury from the bystanders; and if they fail to render a verdict, the said sheriff shall again on the same or a subsequent day empanel a new jury or jurors until a verdict be had; such verdict and inquest, regularly certified by said sheriff, shall be returned to the office of the clerk of the circuit court of the county in which said land may lie, and there remain among the records; and such verdict shall vest in said company the right to occupy and use such land for the purpose of said plank road, on the payment or tender of payment of the damages thereon assessed against said company; and in case of persons absent or unknown as aforesaid, the placing of the amount of such damages to the credit of the owner in the hands of the judge of the county court of the county in which said land may lie shall be deemed and taken as payment; and such judges shall be liable on their bonds to make due payment of said money on demand; and it shall be the duty of the sheriff to appoint and hold said inquest within ten days after the receipt of said writ of *ad quod damnum*, except in cases of absence as aforesaid, in which case thirty days shall be allowed him for every additional jury which he may have under said writ; and every juror or witness summoned shall be fined not less than ten dollars for non-attendance; the circuit court of the county shall have jurisdiction of all such fines as well as costs. There shall be allowed the following fees: To the clerk of the circuit court, for every writ of *ad quod damnum*, seventy-five cents; for receiving and filing inquests, seventy-five cents; to the sheriff, for giving notice, seventy-five cents, besides printers' fees; for holding inquests, five dollars, and for summoning witnesses twenty-five cents each; to jurors, seventy cents per diem, each; which fees are not allowed until a verdict be rendered and filed, and shall be taxed in the bill of costs and paid by said company.

SEC. 8. *Be it further enacted*, That the said company is vested with the right and power of demanding and exacting ^{May collect} tolls.

Rates?

such toll as may be fixed by said company for the transit of persons or property upon said road ; for which purpose a rate of tolls shall be established and published at each toll-gate on said road for the information of the public ; though it shall not be lawful to charge a greater amount of toll on the articles and animals hereinafter enumerated than the rates hereinafter stipulated : For each horse or mule not in harness, one cent per mile, per head ; for each one horse private pleasure carriage, two and a half cents per mile ; for each two horse private pleasure carriage, three and a half cents per mile ; for each loaded cart drawn by one animal, one cent and a quarter per mile ; for each loaded road-wagon drawn by two animals, three cents per mile ; for all loaded wagons with a greater number of animals than two, one and a half cent per mile for each additional head ; empty wagons and carts shall be entitled to a reduction of twenty-five per cent. from the foregoing rates ; when any cart or wagon is loaded beyond two thousand pounds to the animal, thirty-three and a third per cent. may be charged upon the foregoing rates.

Exclusive right
for sharesPersons exempt
from paying
tolls.

SEC. 9. *Be it further enacted*, That no other plank road for public use shall be constructed within fifteen years to run parallel to the said road, in less than six miles of the same : *Provided, however*, That the following persons shall be exempt from the payment of toll for passing over said road at the gates of said company : 1st. Persons going to or from religious meetings, where the distance does not exceed three miles ; 2d. All persons going to or from any funeral, and all funeral processions ; 3d. Persons going to any election of a public nature at which they are entitled to vote, for the purpose of voting and returning therefrom on the same day, provided the distance does not exceed three miles ; 4th. All persons living on said road within three miles of any gate, and who do not live in an incorporated town, shall be permitted to pass the said gate at one half the usual rates of toll ; except farmers going to or returning from their work on their farms, who shall go free when not employed in the transportation of persons or property of other persons ; 5th. Troops in the actual service of this state or of the United States.

Penalty for im-
position under
9th section.

SEC. 10. *Be it further enacted*, That any person falsely representing himself or herself to any toll-gatherer as entitled to any of the exemptions mentioned in the preceding section of this act shall forfeit to the company the sum of ten dollars, to be recovered in the corporate name of the company before any justice of the peace of the State of Alabama.

SEC. 11. *Be it further enacted*, That the said company shall commence the said road within five years, and complete the same within fifteen years from the passage of this act. When road to be commenced and finished.

SEC. 12. *Be it further enacted*, That nothing in this act contained shall be so construed as to confer on said company any banking privileges. Restriction.

SEC. 13. *And be it further enacted*, That the said company shall have the right and power to put upon said road a track for rail cars, to be worked by steam or horses, whenever the majority of the stockholders shall determine so to do; and to charge freight for all kinds of produce passing down or up said road, and for passengers travelling on said road. May change to rail road.

APPROVED, 7 February, 1850.

[No. 134.]

AN ACT

To incorporate the Selma and Uniontown Plank Road Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Thornton B. Goldsby, P. J. Weaver, D. A. Boyd, T. B. Carson, Abner Jones, J. W. Lapsley, James Huggins and Thomas Walker, or any three of them, be and they are hereby empowered to open books for subscription to the stock of a plank road at such time and place as to them shall seem best; said road to be constructed from the town of Selma, in the county of Dallas, to the town of Uniontown, in Perry county. Commissioners to open books of subscription.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be one hundred thousand dollars in shares of twenty-five dollars each, and when twenty thousand dollars of said stock is subscribed the said subscribers and those who shall hereafter subscribe, their assigns and successors, shall be deemed and held a body corporate by the name and style of the "Selma and Uniontown Plank Road Company," and by that name shall sue and be sued, may buy and sell real and personal estate so far as the same is necessary and proper to carry into effect the objects of the association, and do all other acts which a body corporate can do, except to emit bills or notes to pass or circulate as money, or exercising banking powers. Capital stock. Corporate name and style. Powers. Restriction.

SEC. 3. *And be it further enacted*, That the said company shall be organised in the same mode, and shall have Rules and regulations.

the same faculties, rights and powers, and be subject to the same duties and obligations as the Tuscaloosa plank road company to all intents and for all purposes as if the charter of the said company was here again repeated and enacted.

APPROVED, 4 February, 1850.

[No. 135.]

AN ACT

To incorporate the Centreville Plank Road Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Samuel W. Davidson, J. B. Green, Charles

Com'rs to open
books of sub-
script'n and ob-
ject.

G. McMurray and Henry D. Calhoun be and they are hereby authorised to open books of subscription to a plank road, to be made between Lilley's shoals on the Cahawba river, and the town of Centreville, in Bibb county, at such times and places as they may think proper to appoint; and when eight thousand dollars is subscribed thereto, the said subscribers, and all who may thereafter subscribe, their assigns and successors, shall be deemed and held a body corporate by the name and style of the Centreville Plank Road Company, having as such, perpetual succession, the right to buy and sell real and personal estate, so far as may be necessary to effectuate the design of this act, and to do all other acts which a body corporate may or can do, except that the said company shall not have power to emit or circulate notes, bills, or bonds as money, or to exercise banking powers.

\$8,000 subscri-
bed—com'y de-
clared, a body
corporate.
Name and style:

SEC. 2. *Be it further enacted,* That the capital stock of said company shall not exceed eight thousand dollars; that the said company shall be organised in the same mode, have the same rights and powers, and be subject to the same duties and obligations in all respects, both as regards the corporation and corporators, as by law have been conferred and imposed by the charter of the Tuscaloosa Plank Road Company, passed at the present session of the general assembly, to all intents and for all purposes, as if the same were here again repeated and re-enacted.

Capital stock.

SEC. 3. *And be it further enacted,* That the stockholders of said company shall have the power, if they consider it desirable, to construct a rail road between the aforesaid points, instead of a plank road; or after the latter may be built to convert it into a rail road; and in that event, all the powers here conferred and all the duties and obligations imposed, shall apply to and be obligatory on the said corporators, in the same manner as if the said plank road had been built.

Pow'rs of stock-
holders.

APPROVED, 12 February, 1850.

[No. 136.]

AN ACT

To incorporate the Opelika and Dudleyville Plank Road Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That W. P. Allen, W. C. Morgan, B. H. Hambrick, J. H. Thomas, William Tucker, Isaac Ross, John K. O'Neal, Allen Bryant, John Stare and H. Sanford, their present and future associates or successors, are hereby declared and constituted a body corporate by the name and style of the "Opelika and Dudleyville Plank Road Company," for the purpose of constructing a plank road from Opelika, in the county of Russell, by way of Oak Bowery, in the county of Chambers, to Dudleyville, in Tallapoosa county, and by that name and style may sue and be sued, plead and be impleaded, answer and be answered in any court of law or equity of the State of Alabama, and may have and use a common seal, and the same to alter or amend at pleasure, and may have and hold real and personal property necessary to carry on their business advantageously, with full power to transfer or convey the same.

Corporators.

Name and style.

Object.

Powers.

SEC. 2. *Be it further enacted,* That the capital stock of said company shall not exceed one hundred and fifty thousand dollars, and that subscriptions to the same shall be regulated by the said W. P. Allen, W. C. Morgan, B. H. Hambrick, J. H. Thomas, William Tucker, Isaac Ross, John K. O'Neal, Allen Bryant, John Stare and H. Sanford, and their associates, as to the number of shares, the time, place, manner and mode of subscriptions, the amount to be paid in, with the time or times when the remaining portions shall be paid, and the mode of payment, with full power to declare for failures (under certain rules herein named) when stockholders fail to comply, and to do all things necessary to insure the prompt payment of stock when required: *Provided,* That any regulation thus adopted shall be general and operate on all subscribers alike: *And provided also,* That should any stockholder fail to pay in his subscription according to the regulations of said corporation, the same shall have power, on giving ten days' notice to such defaulting stockholder, to move for and obtain judgment in either the circuit or county court of the county in which such stockholder may reside, for the amount he may be in default, with five per cent. thereon and costs of suit.

Capital stock.

To be regulated by corporators.

Proviso..

Proviso.

SEC. 3. *Be it further enacted,* That the capital stock of said corporation shall be divided into shares of one hundred dollars each, to be assignable or transferrable according to such regulations as said corporation may adopt, and on all questions arising at business meetings each stockholder shall be entitled to one vote for each share he may own: *Provided,* That the subscriptions of stock and the transfer of the same (when made) shall be registered in a book to be provided by said corporation, which shall at all times be opened for the inspection of the stockholders.

SEC. 4. *Be it further enacted,* That said company shall not be considered as organised until stock to the amount of twenty-five thousand dollars shall be subscribed, after which the stockholders shall elect nine directors to manage the property, business and affairs of said corporation, one of whom shall be appointed president by the other directors, which directors shall be chosen annually at such time and place as the directors may determine upon: *Provided,* That the directors for the time being shall serve until their successors are elected; and they or a majority of them shall form a quorum for the transaction of business, and shall have power to make all such by-laws, rules and ordinances as to them may appear needful touching the management of the road to be constructed and effects of the corporation, and all such matters as may appertain to the same not inconsistent with the constitution and laws of the State of Alabama. And they shall have power to employ all such officers, agents, servants or laborers as they may deem necessary for the transaction of the business of the corporation, and to displace, remove or discharge such officers, agents or servants at pleasure.

SEC. 5. *Be it further enacted,* That it shall or may be lawful for said corporation to construct a plank road from Opelika, in Russell county, by the way of Oak Bowery, in Chambers county, to Dudleyville, in the the county of Tallapoosa, on such convenient route as said company may select: *Provided,* That no public road now in use shall be thereby obstructed: *And provided further,* That in the event said corporation shall be unable to obtain the right of way for said road from the owner or owners of land through which the same may pass, such compensation shall be paid to the owner or owners of such land as may be assessed by a jury upon a writ of *ad quod damnum*, to be sued out and tried in the mode prescribed by the act entitled "An act to incorporate the Southern Rail Road Company," approved 5th January, A. D. 1846.

SEC. 6. *Be it further enacted*, That all lands, rights and property acquired by said company with said road when completed, and all profits which may accrue thereupon, shall be vested in the respective stockholders, their heirs, legal representatives or assigns forever, in proportion to their respective shares. Property invested in stockholders.

SEC. 7. *Be it further enacted*, That in case any person shall wilfully injure or obstruct the said road whereby said company shall sustain any loss, he shall forfeit and pay to said company three times the amount of all damages which they may sustain in consequence thereof, to be sued for and recovered in the same manner as provided for by law for individuals in like cases, and shall be further subject to indictment and punished by fine or imprisonment, or both, at the discretion of the jury trying the offence. Penalty for injuring road.

SEC. 8. *Be it further enacted*, That said company are invested with the right and power of exacting and demanding such tolls for transportation of persons or property as they may require: *Provided*, That a tariff of tolls shall be annually established and published at each depot on said road for the information of the public, and shall not be in any manner increased until the next annual meeting of the board of directors of said company. May collect toll.

SEC. 9. *And be it further enacted*, That said company shall have power and they are hereby authorised to extend said road to Gray's bridge on the Tallapoosa river. Road may be extended.

APPROVED, 13 February, 1850.

[No. 137.]

AN ACT

To incorporate the North Port Plank Road Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Alfred E. Van Hoose, John C. Moore, E. A. Powell, James Shirly, Elias Persinger, James D. Low, Daniel Hartgroves, James B. Gladney, Richard McLester, Abner Winn, John Findley, John W. Beal, J. W. Richardson, A. L. Neal and Robert Henry, or any three of them, be and they are hereby empowered to open books for subscriptions to the stock of a plank road at such times and places as to them shall seem best; said road to be constructed from the town of North Port in the direction of Columbus, in the State of Mississippi, to some point at or near the state line. Commissioners to open books for subscription.

CAPITAL STOCK. SEC. 2. *Be it further enacted,* That the capital stock of said company shall be one hundred thousand dollars, in shares of twenty-five dollars each; and when twenty thousand dollars of said stock is subscribed the said subscribers and those who shall hereafter subscribe, their assigns and successors, shall be deemed and held a body corporate by the name and style of the "North Port Plank Road Company," and by that name shall sue and be sued, may buy and sell real and personal estate so far as the same is necessary and proper to carry into effect the objects of the association, and do all other acts which a body corporate can do, except to emit bills or notes to pass or circulate as money, or exercise banking powers.

POWERS TO BE EXERCISED BY COMPANY. SEC. 3. *Be it further enacted,* That the said company shall be organised in the same mode, and shall have the same faculties, rights and powers, and be subject to the same duties and obligations as the Tuscaloosa plank road company to all intents and purposes as if the charter of the said company was here again repeated and re-enacted.

APPROVED, 31 January, 1850.

[No. 138.]

AN ACT

To incorporate a company with authority to construct a Plank Road or Rail Road from Marion in Perry county to the Alabama River.

CORPORATORS. SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That E. D. King, William A. Jones, William N. Wyatt, John Lockhart, Jesse B. Nave, Isham W. Garrott, William Hendrix, Andrew B. Moore, and Woodson Cocke, or a majority of them, are hereby authorised at such times and places, and in such manner, as they may designate and agree upon, to open books and receive subscriptions for not exceeding one hundred and fifty thousand dollars of stock, in shares of twenty dollars each, for the purpose of constructing a plank or rail road, as the stockholders may elect; or if they choose first the one and at any time afterwards the other if found preferable on the same route, of such description as they may prefer, from the town of Marion in Perry county to such point on the Alabama River as the stockholders or their directors or agents may find most convenient and advisable.

MAY OPEN BOOKS

MAY CONSTRUCT PLANK OR RAIL ROAD.

SEC. 2. *Be it further enacted,* That so soon as the sum of twenty-five thousand dollars shall be subscribed, the

persons above named, or a majority of them, or of the survivors of them, shall give reasonable public or individual notice of the time and place, and there shall be a meeting of the stockholders, (who may, if they choose, vote by proxy in writing,) and they shall elect a president and twelve directors of said company, who shall hold their offices for and during the term of twelve months from the day of election, and on the first Monday after the expiration of one year from the date of said election, they shall hold a second election for president and directors to hold their offices for two years thereafter, and in like manner every two years thereafter. And as soon as the first election is made as aforesaid, the said president and directors and their successors in behalf of the said company, shall become and they are hereby created a body corporate by the name and style of "The Marion and Alabama River Transportation Company," by which they may sue and be sued, have a common seal, if they desire, and have all ordinary rights and powers of bodies corporate of the kind and not inconsistent with the constitution and laws of the State. The stockholders at their first meeting may adopt a constitution or general rules for their own government as well as that of the president and directors; or they may authorise the president and directors to do so, subject to their approval at any subsequent meeting; and meetings may be called of the stockholders or directors and vacancies be filled as they may prescribe; but when general rules or a constitution is adopted, the same shall not be altered by less than a vote of two-thirds of the whole value in stock. The president and directors may elect a secretary, treasurer, engineer or such other officers as they may need, and fix their terms, restrictions and compensation.

\$25,000 subscribed, meeting held and president and directors elected.

Second election

Name and style.

Powers.

President and directors may elect officers.

SEC. 3. *And be it further enacted,* That said company may select the route they think best between the two points; and if they choose they shall have full power to negotiate for and procure in any lawful way the road and work done on the present route surveyed and known formerly, or previous to the expiration of its charter, as the Cahawba and Marion Rail Road route, and construct at their option a plank road, a rail road or covered road. And as to way leave or right of way, timber and materials and other privileges and liabilities, the said "Marion and Alabama River Transportation Company" shall have the like powers and rights, and be under the like restrictions and penalties, so far as applicable, as has or is the Tuska-loosa plank road company chartered at the present session

May choose route.

Powers, rights and liabilities.

Proviso.

of the general assembly ; and they may connect with or cross any other road between said points: *Provided*, It does not obstruct the same. And the company shall commence said improvement within three and complete the same within ten years from the passage of this act.

APPROVED, 9 February, 1850.

[No. 139.]

AN ACT

To incorporate the Auburn and Tallapoosa Plank Road Company.

Com'rs to open
books for sub-
scription of
stock.

Subscribers de-
clared body cor-
porate.
Name and style.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Jethro Walker, James L. Burney, R. C. Holefield, George B. Nichols, Littleton Winn, Job Ross, Thomas J. Bedell and Micajah Bedell, they or a majority of them, be and they are hereby authorised to open books of subscription for the purpose of the construction of a plank road from Auburn, in Macon county, to Gray's ferry, in Tallapoosa county, at such times and places as they may think proper to appoint ; and when the sum of twenty thousand dollars has been subscribed, the said subscribers and all who may thereafter subscribe, their successors and assigns, shall be deemed and held a body corporate, by the name and style of "The Auburn and Tallapoosa Plank Road Company," with perpetual succession, and as such shall have the right to buy, sell, hold and convey real and personal estate so far as may be necessary to effectuate the purpose and interest of this act, and to construct and keep in repair a plank road from Auburn, in Macon county, to Gray's ferry, on Tallapoosa river in Tallapoosa county, and enjoy the benefits of the same and to do all other acts which a body corporate may or can do, except said company shall not have power to emit or circulate notes, bills or bonds as money, or to exercise banking powers.

Capital stock.

Powers, privi-
leges and liabil-
ities defined.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall not exceed the sum of seventy-five thousand dollars ; that the said company shall be organised in the same mode, have the same rights and powers, and be subject to the same duties, obligations and responsibilities in all respects, both as regards the corporation and corporators, as by law has been conferred and imposed by the charter of the Tuskaloosa plank road company, passed at the present session of the general assembly, to all intents

and for all purposes, touching the road herein proposed to be constructed, as if the same were here repeated and re-enacted: *Provided*, That said road shall be commenced within three years and completed within ten years from the passage of this act.

APPROVED, 13 February, 1850.

[No. 140.]

AN ACT

To incorporate the Tuskegee Plank Road Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That James H. Smith, John McGar, Robert Dougherty, Thomas R. Jones, John D. Reed, Sampson Lanier, Lovick P. Allen, John Drakeford, James F. Sharp and Vann Stoudamire, they, or a majority of them, be and they are hereby authorised to open books of subscription for the purpose of constructing a plank road from Chehaw or some other point on the Montgomery and West Point rail road, in the direction to Tuskegee, in Macon county, at such times and places as they may think proper to appoint; and when the sum of five hundred dollars shall be subscribed for each and every mile of said road proposed to be constructed, the said subscribers and all who may thereafter subscribe, their successors and assigns, shall be deemed and held a body corporate by the name and style of "The Tuskegee Plank Road Company;" as such perpetual succession, the right to buy, sell, hold and convey real and personal estate so far as may be necessary to effectuate the purpose and intent of this act, and to do all other acts which a body corporate may or can do, except that the said company shall not have power to emit or circulate notes, bills, or bonds as money, or to exercise banking powers.

Commissioners
to open books of
subscription.

Object.

\$500 for each
mile subsc'd co.
declared a body
corporate.

Name and style.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall not exceed five thousand dollars for each mile of road they may be authorised by this act to construct; that the said company shall be organised in the same mode, have the same rights and powers, and be subject to the same duties and obligations in all respects, both as regards the corporation and corporations, as by law have been conferred and imposed by the charter of the Tuscaloosa plank road company, passed at the present session of the general assembly, to all intents and for all purposes to the road herein proposed to be constructed, as if the same were here again repeated and re-enacted.

Capital restrict-
ed.

Powers and lia-
bilities defined.

SEC. 3. *Be it further enacted,* That the stockholders of said company, they and their successors in office, shall have the power, if they consider it desirable, to construct a rail road between the points herein mentioned, instead of a plank road; or after the latter may be built, to convert it into a rail road; and in that event, all the powers here conferred and all the duties and obligations imposed shall apply to and be obligatory on the said corporators in the same manner as if the said plank road herein contemplated had been built.

SEC. 4. *And be it further enacted,* That after the completion of a plank or rail road between the points herein contemplated, or at any time before, the president and directors of such company shall be and they are hereby authorised to open books and receive subscriptions, and to construct a plank or rail road, as they may desire, from Tuskegee to Enon, in Macon county, with all the rights, privileges, immunities and responsibilities as before provided for the road herein first designated.

APPROVED, 13 February, 1850.

[No. 141.]

AN ACT

To incorporate the Hayneville and Tallawassee Plank Road Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Thadeus Mather, George C. Thurber, E. Marvin, John P. Nall, Archibald Gilchrist, and their associates and successors, are hereby declared and constituted a body politic and corporate, by the name of the Hayneville and Tallawassee Plank Road Company; and by that name to sue and be sued, plead and be impleaded, answer and be answered, in any court in this state; to make, have and use a common seal, and the same to break, alter and renew at pleasure; and the said company is hereby vested with all powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act hereafter set forth; and may have and hold real and personal property to all extents necessary and proper for the same; and it shall be the duty of the corporators hereinbefore named, to open books free for all persons to subscribe for the stock of said company within ninety days after the passage of this charter, and to require a payment in cash of ten dollars per share at the time of subscribing;

Discretionary
power of stock-
holders.

May construct
road from Tus-
kegee to Enon.

Corporators.

Name and style

Corporate pow-
ers.

Shall open b'ks
for subscript'ns.

and also to advertise the time and place of receiving subscriptions in one or more public gazettes in the town of Hayneville at least ten days prior to the opening said books for subscriptions.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be forty thousand dollars, and subscriptions to the same shall be regulated by the parties named in the first section of this act, or a majority of them, as to the time, place, manner and mode of said subscription, and the time and mode of payment, with full power to regulate the whole matter, and to declare forfeitures under certain rules when the stockholders fail to comply and to do all things necessary to insure the punctual payment of the several installments of stock required, as they become due : *Provided*, That any regulation thus adopted shall be general and operate on all alike.

SEC. 3. *Be it further enacted*, That the capital stock of said company shall be divided into shares of one hundred dollars each, to be assignable and transferrable according to such regulations as said corporation may adopt ; and the number of votes to which each stockholder may be entitled on all questions concerning the interest of the company, shall be equal to the number of shares held by him, each share being entitled to one vote.

SEC. 4. *Be it further enacted*, That it shall be lawful for and said company shall have power and authority and is hereby authorised to locate and construct a plank road from the town of Hayneville to Tallawassee landing : *Provided*, however, That said road shall not be so located as to interfere with any dwelling house, or pass through the yard of any dwelling house, without the consent of the owner of the same : *And provided further*, That the said company shall have the right to connect or join the road, which may be constructed under this charter, with any other public plank road or roads, which may be built under authority of any law of this state, and which right shall be reciprocal.

SEC. 5. *Be it further enacted*, That whenever ten thousand dollars of the stock of said company shall be subscribed for, the said company may be considered as organised, and the stockholders may proceed to elect a board of directors, who shall be owners of stock, to manage the business of said corporation. The said board of directors shall be chosen annually at such time and place as the stockholders may determine ; and should the said annual election at any time not be held on the day appointed it shall be lawful to hold said election on any other day, which election shall be valid

Powers.

to all inténts and purposes ; and the directors for the time being shall serve until their successors are elected. The said directors shall appoint from their own body a president, and also a secretary or treasurer, and fix their salaries ; and shall also have power to employ all such officers, agents, servants or laborers as they may deem necessary for the construction of the proposed road, and the transaction of the business of the corporation ; and the said directors shall have power to make all such by-laws, rules and ordinances ; as to them may appear needful, touching the management of the road to be constructed, and the effects of the corporation ; a majority of the directors shall form a quorum for the transaction of business.

May acquire
right of way.

SEC. 6. *Be it further enacted*, That said corporation shall have power and authority to acquire by purchase or otherwise, a right of way from the owner or owners of land through which the said road may be designed to pass, of sufficient width for the location, construction and accommodation of said road ; and also to receive from the commissioners of roads and revenue of the county or counties in which said road may run, the use of any highway or highways already dedicated to the public use ; and the said commissioners of roads and revenue are hereby authorised and empowered to grant the use of said highway or highways to the said company, when the said commissioners may deem it expedient for the location or construction of said plank road, or construction of toll houses : *Provided*, That no public road which said commissioners of roads and revenue deem it expedient to be kept open, shall be obstructed thereby ; and the said corporation shall also have the power and authority to receive from the municipal authorities of any city or town in which said road may terminate, or through which it may run, the use of any street or streets for the location or construction of said road or toll houses ; and the municipal authorities of any such city or town are hereby authorised and empowered to grant to said company the right over, and use of any street or streets in any such city or town, in such manner and in such direction as the public convenience may permit.

Proceedings
when company
and owners of
land can not
agree.

SEC. 7. *Be it further enacted*, That if the said company cannot agree with the owner of the land through which the desired road shall pass, or with the executors, administrators, guardians, or trustees, it shall and may be lawful for the clerk of the circuit court of the county in which said land lies, on the application of said company or its agents, and he is required to issue a writ of *ad quod damnum*,

commanding the sheriff that without delay he cause a jury of six good and lawful men to be upon such land upon a day to be by said sheriff fixed and appointed, and whereof it shall be his duty to give notice to the owners, executors, administrators, guardians, or trustees, at least five days before such day, if they be within his county, or if not, or if the owner or owners be unknown, then notice shall be given by advertisement to be by said sheriff posted and fixed at the dwelling house if such there be, or on a public or conspicuous place, at least five days before such appointed day, and also by advertising the same in some newspaper published nearest the land, at least four weeks by weekly insertions, prior to said day, and then cause said jury, after being duly sworn by said sheriff, or by a justice of the peace, to make true inquest of the damages that will be sustained by such owner or estate, by reason of making such road through such land. If any such juror shall fail to appear, or by reason of challenge or otherwise shall fail to sit on such inquest, the said sheriff shall fill said jury from the by-standers; and if they fail to render a verdict, the said sheriff shall again, on the same or a subsequent day, empanel a new jury or jurors until a verdict be had; such verdict and inquest, regularly certified by said sheriff, shall be returned to the office of the clerk of the circuit court of the county in which said land may lie, and there remain among the records; and such verdict shall vest in said company the right to occupy and use such land for the purpose of said plank road, on the payment or tender of payment of the damages thereon assessed against said company; and in case of persons absent or unknown as aforesaid, the placing of the amount of such damages to the credit of the owner in the hands of the judge of the county court of the county in which such land may lie, shall be deemed and taken as payment; and such judges shall be liable on their bonds to make due payment of said money on demand; and it shall be the duty of the sheriff to appoint and hold said inquest within ten days after the receipt of said writ of *ad quod damnum*, except in cases of absence as aforesaid, in which case thirty days shall be allowed him for every additional jury which he may have under said writ; and every juror and witness summoned shall be fined not less than ten dollars for non-attendance. The circuit court of the county shall have jurisdiction of all such fines, as well as costs. There shall be allowed the following fees: to the clerk of the circuit court, for every writ of *ad quod damnum*, seventy-five cents; for receiving and filing inquests, seventy-

five cents ; to the sheriff, for giving notice, seventy-five cents, besides printers' fees ; for holding inquest, five dollars ; and for summoning witnesses, twenty-five cents each ; to jurors, seventy-five cents per diem each ; which fees are not allowed until a verdict be rendered and filed, and shall be taxed in the bill of costs and paid by said company.

SEC. 8. *Be it further enacted,* That the said company May collect toll. is vested with the right and power of demanding and exacting such tolls as may be fixed by said company for the transit of persons or property upon said road ; for which purpose a rate of tolls shall be established and published at each toll gate on said road for the information of the public ; though it shall not be lawful to charge a greater amount of toll on the articles and animals hereinafter enumerated than the rates hereinafter stipulated : for each horse or mule not in harness, one cent per mile per head ; for each one horse private pleasure carriage, two and a half cents per mile ; for each two horse private pleasure carriage, three and a half cents per mile ; for each loaded cart, drawn by one animal, one and a quarter cents per mile ; for each loaded road wagon, drawn by two animals, three cents per mile ; for all loaded wagons with a greater number of animals than two, one and a half cents per mile for each additional head ; empty wagons and carts shall be entitled to a reduction of twenty-five per cent. from the foregoing rates ; when any cart or wagon is loaded beyond two thousand pounds to the animal, thirty-three and a third per cent. may be added upon the foregoing rates.

Rates. **SEC. 9.** *Be it further enacted,* That the following persons shall be exempt from the payment of toll for passing over said road at the gates of said company : 1st. Persons going to or from religious meetings, when the distance does not exceed three miles : 2d. All persons going to or from any funeral, and all funeral processions : 3d. Persons going to any election of a public nature, at which they are entitled to vote, for the purpose of voting and returning therefrom the same day, provided the distance does not exceed three miles : 4th. All persons living on said road within three miles of any gate, and who do not live in an incorporated town, shall be permitted to pass the said gate at one half the usual rates of toll, except farmers going to or returning from their work on their farms, who shall go free, when not engaged in the transportation of persons, or property of other persons : 5th. Troops in the actual service of this state or of the United States.

Persons exempt from pay'g tolls.

SEC. 10. *And be it further enacted*, That any person falsely representing himself or herself, to any toll gatherer as entitled to any of the exemptions mentioned in the preceding section of this act, shall forfeit to the company the sum of ten dollars, to be recovered in the corporate name of the company before any justice of the peace of the State of Alabama.

Penalty for imposition under 9th section.

APPROVED, 12 February, 1850.

[No. 142.]

AN ACT

To incorporate the Mobile and Dog River Shell or Plank Road Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That C. E. Bolles, Moses Waring, A. W. Gordon, Rufus Greene, B. W. Van Epps, James McDevitt, and such other persons as may be associated with them, are hereby created a body politic and corporate, under the name and style of "The Mobile and Dog River Shell or Plank Road Company," for the purpose of constructing a plank road beginning at such point within the corporate limits of the city of Mobile, south of Government street, and west of Franklin street, as the mayor, aldermen and common council may, on the application of said Bolles and his associates, determine upon and allow; extending said road from said point, when so fixed, along and over the Dog river road so known and called, to a point on said road opposite the residence of S. H. Garrow; and from thence branching to the right to a place known as the Cotton Factory; and from said point opposite said Garrow's residence, along said Dog river road to the northern bank of Dog river; and by said name and style said company may sue and be sued, plead and be impleaded, answer and be answered, in any court of law or equity; and may purchase, hold, and improve any real estate for purposes and objects of said company; and to make, have and use a common seal, and the same to renew and alter at pleasure, and generally to do and enjoy all that may be necessary to carry into effect the provisions of this act.

Corporators.

Name and style.

Powers in constructing road.

Route.

SEC. 2. *Be it further enacted*, That the capital stock of this company shall not exceed fifty thousand dollars, to be divided into shares of one hundred dollars each, and to be paid for as follows: Five dollars on each share at the time of subscription, and the balance at such time or times as the

Capital stock.

\$8,000 subscri-
bed, company
may organise.

president and directors of said company to be hereafter elected shall require; which shares shall be transferable according to such rules and regulations as said corporation may make; and the books of subscription to the said capital stock, or such portion thereof as is required by this charter to secure the privileges thereof, shall be opened by the said Bolles and his associates, at such time and place as they, or a majority of them, may deem proper; and so soon as the sum of eight thousand dollars shall be subscribed, the said company may and shall go into an election for a president and five directors of said company, to serve until the first Monday of April, 1851, or until their successors shall be elected and qualified; and the said company may commence the construction of said road, with all the powers and privileges contained in this act, whenever the sum of eight thousand dollars shall be subscribed and the president and directors shall be elected by the stockholders thereof: *Provided*, That each share shall entitle the holder to one vote.

May acquire
right of way.

SEC. 3. *Be it further enacted*, That said company shall have power and authority to acquire by purchase or otherwise a right of way not exceeding sixty feet in width from the owners of property through which the road may be designed to pass, and to receive from the commissioners of roads of Mobile county, as in their discretion they may deem expedient, the use of any public highway or highways already dedicated to public use, or which may by them after the passage of this act be declared a public highway, and from the city of Mobile any street or streets, or any portion of the same and to use the said highways and streets for the construction of said road, and for the erection of toll-gates thereon: *Provided*, That no toll-gate shall be erected within half a mile of Government street in said city.

Proviso.

Corporate au-
thorities of Mo-
bile may grant
privileges.

SEC. 4. *Be it further enacted*, That the mayor, aldermen and common council of the city of Mobile are hereby authorised and empowered to grant to said plank road company the right of way over any street or streets or portions of the same, or to pass over vacant lots not enclosed or otherwise occupied in said city, as public convenience may allow; and may grant to said company such compensation for improving such street or streets as they may think advisable and proper: *Provided*, That said road shall not pass over any lot within the corporate limits aforesaid, without the consent of the owner or on due compensation made.

SEC. 5. *Be it further enacted*, That said road shall be of a single track at least nine feet wide, and shall be substantially and firmly constructed, and kept in good repair: Width of road. *Provided*, That said road shall be made a double track Proviso. within the corporate limits of the city of Mobile, and so laid down and constructed over said streets and road as will contribute to the greatest convenience of persons travelling on or crossing the same.: *And provided also*, Said company Proviso. shall have power to commence the construction of said road at such point as they may deem proper, not less than three miles from the southern limits of said city.

SEC. 6. *Be it further enacted*, That the said company may demand and receive the following rates of toll, so soon as three miles of said road shall be finished: For a man and horse, not exceeding ten cents; for a horse and sulky, not exceeding fifteen cents; for a four wheeled pleasure carriage and two horses, not exceeding twenty-five cents; for buggies and barouches, not more than twenty cents each; for a loaded wagon containing wood, brick, shells, or other heavy materials, not more than fifty cents; and for other and light vehicles, omnibusses, &c., and for such other persons and things travelling on or carried over said road, such a sum in proportion to the above rates as may from time to time be fixed by the board of directors of said company; the same to be printed on a board and exhibited at the gate or gates of said road: *Provided*, That residents on or near said road shall not be charged exceeding ten dollars per annum as a yearly compensation for the use of said road; the same to be paid before enjoying said use. Rates of toll to be charged by company. Proviso.

SEC. 7. *Be it further enacted*, That any person or persons who shall unlawfully and intentionally injure in any manner the materials of said plank road, or shall willfully or intentionally, or in travelling over said road without first having paid the toll due by him or them, displace or destroy the materials of said road, shall be liable to the company for the whole amount of damages that may accrue thereby; and such person or persons shall furthermore be deemed guilty of a misdemeanor, and shall be punished accordingly; and should any person or persons refuse to pay the toll allowed by this act to be taken and charged at the time of offering to pass the toll-gate, the toll gatherer may lawfully refuse a passage to said person or persons; and if any person, article or thing liable for toll shall by any ways pass over said road without payment thereof, on demand made and refusal to pay the toll gatherer may, by warrant in the name of said company from any justice of Penalty for injuring road. Penalty for refusing to pay toll.

the peace, recover of such person or owner, or person in possession of such article or thing subject to toll, five dollars for every such offence in addition to the toll so due and payable.

Duration of privileges to 20 y's

Penalty for extortion in demanding toll.

SEC. 8. *And be it further enacted*, That the privilege herein granted to said Mobile and Dog river shell or plank road company shall continue and exist for and during the space of twenty years ; and said company shall at all times keep the said road in good repair or forfeit the right of toll as hereinbefore authorised ; and said company shall keep a correct list or schedule of the rates of toll, as they may be established, at the several gates, and so placed as readily to be seen by all persons passing the same ; and for failing in any of the requisitions of this act, or for demanding or receiving more toll than is hereby authorised, said company shall forfeit and pay the person so overcharged the sum of ten dollars, to be recovered before the mayor of Mobile, or any justice in said city ; and the said company are hereby authorised and empowered to demand and receive for toll, when said company shall be extended beyond the limits hereby allowed to be charged upon as above specified, such further sum and rates as shall be allowed and established by the commissioners of roads and revenue of Mobile county.

APPROVED, 7 February, 1850.

[No. 143.]

AN ACT

To incorporate the Opelika and Girard Plank Road Company.

Corporators.

Name and style.

Powers.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That James B. Reese, George W. Bedell, John D. Adair, D. W. Floyd, Isham Dorsey, James Allen, James C. Holland, Henry M. Lanier, John Page, Nathaniel Sledge, Hiram Nelms and Reuben Thornton, their present and future associates or successors, are hereby declared and constituted a body corporate by the name and style of "The Opelika and Girard Plank Road Company," for the purpose of constructing a plank road from Opelika, in the county of Russell, to Girard, in the county of Russell, and by that name and style may sue and be sued, plead and be impleaded, answer and be answered in any court of law or equity of the state of Alabama, and may have and use a common seal, and the same to alter or amend at pleasure ; and may have

and hold real and personal property necessary to carry on their business advantageously, with full power to transfer or convey the same.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall not exceed one hundred and fifty thousand dollars, and that subscriptions to the same shall be regulated by the said James B. Reese, George W. Bedell, John D. Adair, D. W. Floyd, Isham Dorsey, James Allen, James C. Holland, Henry M. Lanier, John Page, Nathaniel Sledge, Hiram Nelms, and Reuben Thornton and their associates, as to the number of shares, the time, place, manner and mode of subscription; the amount to be paid in, with the time or times when the remaining portions shall be paid, and the mode of payment, with full power to declare for failures, (under certain rules before prescribed,) when stockholders fail to comply, and to do all things necessary to ensure the prompt payment of stock when required: *Provided*, That any regulation thus adopted shall be general and operate on all subscribers alike: *And provided also*, That, should any stockholder fail to pay in his subscription according to the regulations of said corporation, the same have power, on giving ten days' notice to such defaulting stockholder, to move for and obtain judgment in either the circuit or county court of the county in which such stockholder may reside, for the amount he may be in default, with five per cent. thereon and costs of suit.

SEC. 3. *Be it further enacted*, That the capital stock of said corporation shall be divided into shares of one hundred dollars each, to be assignable or transferable according to such regulations as said corporation may adopt, and on all questions arising at business meetings, each stockholder shall be entitled to one vote for each share he may own: *Provided*, That the subscriptions of stock and the transfer of the same, (when made,) shall be registered in a book to be provided by said corporation, which shall at all times be open to the inspection of the stockholders.

SEC. 4. *Be it further enacted*, That said company shall not be considered as organised until stock to the amount of twenty-five thousand dollars shall be subscribed, after which the stockholders shall elect nine directors to manage the property, business and affairs of said corporation; one of whom shall be appointed president by the other directors, which directors shall be chosen annually, at such time and place as the directors may determine upon: *Provided*, That the directors for the time being shall serve until their successors are elected; and they, or a majority of them,

shall form a quorum for the transaction of business; and shall have power to make all such by-laws and ordinances as to them may appear needful, touching the management of the road to be constructed and effects of the corporation, and all such matters as may appertain to the same not inconsistent with the constitution and laws of the state of Alabama; and they shall have power to employ all such officers, agents, servants or laborers as they may deem necessary for the transacton of the business of the corporation, and to displace, remove or discharge such officers, agents or servants at pleasure.

Powers in constructing road.

Proviso.

Proviso.

SEC. 5. *Be it further enacted*, That it shall or may be lawful for said corporation to construct and make a plank road from Opelika, in Russell county, to Girard, in Russell county, on such convenient route as said company may select: *Provided*, That no public road now in use shall be thereby obstructed: *And provided further*, That in the event said corporation shall be unable to obtain the right of way for said road from the owner or owners of land, through which the same may pass, such compensation shall be paid to the owner or owners of such land, as may be assessed by a jury upon a writ of *ad quod damnum*, to be sued out and tried in the mode prescribed by the act entitled "An act to incorporate the Southern Rail Road Company," approved 5th January, A. D. 1846.

Property vested in stockholders.

SEC. 6. *Be it further enacted*, That all lands, rights and property acquired by said company with said road when completed, and all profits which may accrue thereupon, shall be vested in the respective stockholders, their heirs, legal representatives or assigns forever, in proportion to their respective shares.

Penalty for injuring road.

SEC. 7. *Be it further enacted*, That in case any person shall wilfully injure or obstruct the said road, whereby said company shall sustain any loss, he shall *forfeit* and pay to said company three times the amount of all damages which they may sustain in consequence thereof, to be sued for and recovered in the same manner as provided for by law for individuals in like cases, and shall be further subject to indictment and punished by fine or imprisonment, or both, at the discretion of the jury trying the offence.

May collect toll

SEC. 8. *Be it further enacted*, That said company are invested with the right and power of exacting and demanding such tolls for transportation of persons or property, as they may require: *Provided*, That a tariff of tolls shall be annually established and published at each depot on

said road, for the information of the public, and shall not be in any manner increased until the next annual meeting of the board of directors of said company.

SEC. 9. *And be it further enacted*, That nothing in this act contained shall be so construed as to allow any banking privileges to said company; and said company are hereby required to commence the building of said road within five years, and terminate the same within fifteen years from the passage of this act.

Restriction.

Commence and complete road.

APPROVED, 13 February, 1850.

[No. 144.]

AN ACT

To incorporate the Montgomery South Plank Road Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Joseph D. Hopper, John P. Figh, Thomas B. Burton, Hugh W. Henry, Matthew C. Stokes, Henry Holmes, John Goldthwaite, John W. Hughes, William P. Vandiver, and their associates and successors, are hereby declared and constituted a body corporate by the name of Montgomery South Plank Road Company, and by that name to sue and be sued, plead and be impleaded, answer and be answered in any court of this state, to make, have and use a common seal, and the same to break, alter and renew at pleasure. And the said company are hereby vested with all powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act hereinafter set forth, and may have and hold real and personal property to all extent necessary and proper for the same. And it shall be the duty of the corporators hereinbefore named to open books free for all persons to subscribe for the stock of said company within thirty days after the passage of this charter, and to require a payment in cash of ten dollars per share at the time of subscribing, and also to advertise the time and place of receiving subscriptions in one or more public gazettes in the city of Montgomery at least ten days prior to the opening said books for subscriptions.

Corporators.

Name and style

Powers.

Shall open b'ks of subscriptions.

SEC. 2. *And be it further enacted*, That the capital stock of said company shall be one hundred thousand dollars, and subscriptions to the same shall be regulated by the parties named in the first section to this act, or a majority of them, as to the time, place, manner and mode of said

Capital stock.

subscription, and the time and mode of payment, with full power to regulate the whole matter and to declare forfeitures under certain rules when stockholders fail to comply, and to do all things necessary to insure the punctual payment of the several installments of stock required as they become due: *Provided*, That any regulation thus adopted shall be general and operate on all alike.

Divided into
shares.

SEC. 3. *And be it further enacted*, That the capital stock of said company shall be divided into shares of one hundred dollars each, to be assignable and transferrable according to such regulations as said corporation may adopt, and the number of votes to which each stockholder may be entitled on all questions concerning the interest of the company shall be equal to the number of shares held by him, each share being entitled to one vote.

Powers of com-
pany in con-
structing road.

Proviso.
Restriction.

Company may
construct b'nch
road.

SEC. 4. *And be it further enacted*, That it shall be lawful for, and said company shall have power and authority, and is hereby authorised to locate and construct a plank road from the southern line of the city of Montgomery in a direct line south, or as near as may be, crossing the Catoma creek at or near Norman's bridge, and extending south for thirty miles: *Provided, however*, That said road shall not be so located as to interfere with any dwelling house, or pass through the yard of any dwelling house, without the consent of the owner of the same: *And provided further*, That the said company shall have the exclusive privilege of constructing said road from the place where it crosses the Catoma creek to a point on said road five miles from said creek, and shall further have the privilege of constructing and extending branches from the said road to any point which the said company may desire, and particularly to Orion, in Pike county, and to Greenville, in Butler county; and no road shall by any charter hereafter to be granted be constructed parallel to to the said South Plank Road within five miles of the same: *And provided further*, That the said company shall have the right to connect or join the road which may be constructed under this charter with any other public plank road or roads which may be built under authority of any law of this state, and which right shall be reciprocal.

\$25,000 sub-
scribed, compa-
ny may organ-
ise.

SEC. 5. *And be it further enacted*, That whenever twenty-five thousand dollars of the stock of said company shall be subscribed for, the said company may be considered as organised, and the stockholders may proceed to elect a board of directors, who shall be owners of stock, to manage the business of said corporation. The said board of

directors shall be chosen annually at such time and place as the stockholders may determine, and should the said annual election at any time not be held on the day appointed, it shall be lawful to hold said election on any other day, which election shall be valid to all intents and purposes, and the directors for the time being shall serve until their successors are elected. The said directors shall appoint from their own body a president and also a secretary or treasurer, and fix their salaries, and shall also have power to employ all such officers, agents, servants or laborers as they may deem necessary for the construction of the proposed road and the transaction of the business of the corporation, and the said directors shall have power to make all such by-laws, rules and ordinances as to them may appear needful touching the management of the road to be constructed and the effects of the corporation. A majority of the directors shall form a quorum for the transaction of business.

Board of directors, elect'n and powers.

SEC. 6. *And be it further enacted,* That said corporation shall have power and authority to acquire by purchase or otherwise, a right of way from the owner or owners of land through which the said road may be designed to pass, of sufficient width for the location, construction and accommodation of said road, and also to receive from the commissioners of roads and revenue of the county or counties in which said road may run, the use of any highway or highways already dedicated to the public use; and the said commissioners of roads and revenue are hereby authorised and empowered to grant the use of said highway or highways to the said company, when the said commissioners may deem it expedient for the location and construction of said plank road, or the construction of toll houses: *Provided,* That no public road which said commissioners of roads and revenue deem expedient to be kept open shall be obstructed thereby; and the said corporation shall also have the power and authority to receive from the municipal authorities of the city of Montgomery the use of any street or streets, for the location or construction of said road or toll houses; and the municipal authorities of said city are hereby authorised and empowered to grant said company the right over and use of any street or streets in said city or town, in such manner and in such direction as the public convenience may permit.

May acquire right of way.

SEC. 7. *Be it further enacted,* That if the said company cannot agree with the owner of the land through which the desired road shall pass, or with the executors, ad-

Proceedings
when company
and owners of
lands can not
agree.

ministrators, guardians, or trustees, it shall and may be lawful for the clerk of the circuit court of the county in which said land lies, on the application of said company or its agents, and he is required to issue a writ of *ad quod damnum*, commanding the sheriff that without delay he cause a jury of six good and lawful men to be upon such land upon a day to be by said sheriff fixed and appointed, and whereof it shall be his duty to give notice to the owners, administrators, executors, guardians, or trustees, at least five days before such a day, if they be within his county, or if not, or if the owner or owners be unknown, then notice shall be given by advertisement to be by said sheriff posted at the dwelling house if such there be, or a public or conspicuous place, at least five days before such appointed day, and also by advertising the same in some newspaper published nearest the land, at least four weeks by weekly insertions, prior to said day, and then cause said jury, after being duly sworn by said sheriff or by a justice of the peace, to make true inquest of the damages that will be sustained by such owner or estate, by reason of making such road through such land. If any such person shall fail to appear, or by reason of challenge or otherwise, shall fail to sit on such inquest, the said sheriff shall fill said jury from the by-standers, and if they fail to render a verdict, the said sheriff shall again, on the same or on a subsequent day, empanel a new jury or jurors, until a verdict be had; such verdict and inquest, regularly certified by said sheriff, shall be returned to the office of the clerk of the circuit court of the county in which said land may be, and there remain among the records; and such verdict shall vest in said company the right to occupy and use such land for the purpose of said plank road; on the payment or tender of payment of the damages thereon assessed against said company; and in case of persons absent or unknown as aforesaid, the placing of the amount of such damages to the credit of the owner in the hands of the judge of the county court of Montgomery, shall be deemed and taken as payment, and such judges shall be liable on their bonds to make due payment of said money on demand, and it shall be the duty of the sheriff to appoint and hold said inquest within ten days after the receipt of said writ of *ad quod damnum*, except in cases of absence as aforesaid, in which case thirty days shall be allowed him for every additional jury which he may summon under said writ; and every juror and witness summoned shall be fined not less than ten dollars for non-attendance. The circuit court of the county shall have

jurisdiction of all such fines, as well as costs. There shall be allowed the following fees: to the clerk of the circuit court, for every writ of *ad quod damnum*, seventy-five cents; for receiving and filing inquests, seventy-five cents; to the sheriff, for giving notice, seventy-five cents, besides printers' fees; for holding inquest, five dollars; for summoning witnesses, twenty-five cents each; to jurors, seventy cents per diem each; which fees are not allowed until a verdict be rendered and filed, and shall be taxed in the bill of costs and paid by said company: *Provided, however,* That before the application for said writ the said company may make a tender to the owner or owners of any such land, of a sum of money by said company deemed equivalent to the damages to be sustained, and upon refusal to accept the sum tendered, and a verdict for the same amount or a less sum, the costs shall be taxed to and paid by the owners of the land upon which the inquest is held.

SEC. 8. *And be it further enacted,* That the said company is vested with the right and power of demanding and exacting such toll as may be fixed by said company, for the transit of property or persons upon said road; for which purpose a rate of tolls shall be established and published at each toll gate on said road, for the information of the public; though it shall not be lawful to charge a greater amount on the articles and animals hereinafter enumerated than the rate hereinafter stipulated: for each horse or mule, not in harness, one cent per mile per head; for horse and rider, one cent per mile; for each one horse pleasure carriage, two and a half cents per mile; for each two horse pleasure carriage, three and a half cents per mile; for each loaded cart, with one animal, one and a fourth cents per mile; for each loaded wagon, with two animals, three cents per mile; for all wagons with more than two animals, one half cent per mile for each additional head; empty carts and wagons to be charged at one half the above rates; each five head of neat cattle, two and a half cents per mile; each ten head of hogs or sheep, two and a half cents per mile. And said company may erect toll gates whenever three miles are completed; and the gates erected shall not be less than three miles apart.

May collect tolls
Rates.

SEC. 9. *And be it further enacted,* That no other plank road for public use shall be constructed within fifteen years after the completion of the said road, to run parallel to said road from and beyond the Catoma creek southward, within five miles of the road herein contemplated: *Provided, however,* That the following persons shall be exempt from the

Vested right of
road for fifteen
years.

Persons exempt
from pay'g tolls.

payment of toll for passing over said road at the gates of said company: First, Persons going to and from religious meetings, when the distance does not exceed three miles: Second, All persons going to or from any funeral, and all funeral processions: Third, Persons going to any elections of a public nature, at which they are entitled to vote, for the purpose of voting and returning therefrom the same day, provided the distance does not exceed three miles: Fourth, All persons living on said road within three miles of any gate, and who do not live in an incorporated town, shall be permitted to pass the said gate at one half the usual rates of toll, except farmers going to or returning from their work on their farms, who shall go free, when not employed in the transportation of persons, or property of other persons: Fifth, Troops in the actual service of this state or of the United States.

Penalty for im-
positions under
9th section.

SEC. 10. *And be it further enacted*, That any person falsely representing himself or herself to any toll gatherer as entitled to any of the exemptions mentioned in the preceding section of this act, shall forfeit to the company the sum of ten dollars, to be recovered in the corporate name of the company before any justice of the peace of the State of Alabama.

APPROVED, 2 February, 1850.

[No. 145.]

AN ACT

To incorporate the Tuskaloosa Plank Road Company.

Commissioners
to open books of
subscription.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Landon C. Garland, Peter Martin, John J. Ormond, Benjamin Whitfield, Basil Manley, Ninian Tannehill, James McAdory, Octavius Spencer, Willis Banks, James H. Dearing, Elisha McMath, Newton L. Whitfield, James Guild, Samuel Tarrant, Robert Hill, William S. Mudd, be and they are hereby appointed commissioners to open subscriptions for the capital stock of the Tuskaloosa plank road company, at such times and places as they or any five of their number shall think necessary.

Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be one hundred thousand dollars, in shares of twenty-five dollars each, but may be increased, one-third more, if, in the opinion of said company, such increase is desirable.

SEC. 3. *Be it further enacted*, That the said road shall be constructed from the city of Tuskaloosa and proceed,

in an eastwardly direction, through the coal and iron re-^{Route of road.} gion, and may extend to the town of Elyton, or to some convenient point on the Cahawba river, commencing at the city of Tuskaloosa and pursuing such route as may be considered best; and the said company shall have power to make such branch or collateral roads, connected with the main road, as may be considered necessary.

SEC. 4. *Be it further enacted,* That as soon as twenty thousand dollars shall have been subscribed to the capital stock of said company, the subscribers of said stock and all who shall thereafter subscribe, their assigns and successors, shall be and they are hereby incorporated by the name and style of "The Tuskaloosa Plank Road Company,"^{\$20,000 subscribed co. decl'd a body corporate.} and shall have perpetual succession; and by that name shall sue be sued, and be capable in law of buying, selling, holding and conveying real and personal estate, so far as may be necessary and proper to carry into effect the purpose and design of said corporation.^{Name and style}

SEC. 5. *Be it further enacted,* That as soon as twenty thousand dollars shall have been subscribed, the said commissioners shall call a general meeting of the subscribers,^{\$20,000 subscribed com'rs shall call a general meeting of stockholders &c} at such time and place as they shall appoint, and at such meeting the said subscribers, or a majority of them in value, shall elect nine directors, a majority of whom shall constitute a quorum to transact business, to manage the affairs of said company; and the said commissioners, or any three of them, shall be judges of the first election. The directors thus chosen shall elect a president of said company and allow him such compensation as they may think proper; and in all elections each stockholder shall be allowed one vote for each share held by him, and may vote by proxy.^{Organization of board of directors.}

SEC. 6. *Be it further enacted,* That the president and directors of said company shall be annually chosen by the stockholders thereof; and if any vacancy should occur, by death or otherwise, such vacancy shall be filled by the directory; but the president and directors shall hold their office until their successors are chosen, and shall have power to call meetings of the stockholders at any time,^{Annual election of presid't and directors.} and shall call such meetings whenever a stockholder or stockholders, representing two hundred shares of stock, shall in writing require such a call to be made; and a majority of all the stockholders in value of said company, shall have power to remove the president or directors and fill the vacancy thus created.^{Meeting of stockholders may be called.}

SEC. 7. *Be it further enacted,* That the president and directors may appoint all such officers, engineers, agents, or servants, as they may deem necessary to carry on the busi-^{Powers of pres't and directors.}

ness of said company, and may dismiss them at pleasure, and determine their compensation. They shall have power to pass all such by-laws as they may think necessary and proper to carry into effect the object of this act; but no by-law shall be passed contrary to the laws of this state or of the United States. They are hereby empowered to borrow money to carry into effect the object of this act; to issue certificates or other evidences of such loan, and to pledge the property of said company for the payment of the same.

May require
payment of
stock.

SEC. 8. *Be it further enacted*, That the president and directors shall have power to require the stockholders of said company to pay such installments on their respective shares of stock in said company, at such times as they think the interest of said company requires, giving twenty days' notice, by advertisement in a newspaper published in Tuskaloosa, of such call; and upon the failure or refusal of any stockholder to pay pursuant thereto, may, upon giving thirty days' notice, proceed to sell said stock at public sale to the highest bidder, who shall thereby become invested with the title of the delinquent stockholder; and if the said stock should sell for less than the amount due thereon, such delinquent stockholder shall be liable to the company for such deficiency.

Proceedings
upon a failure
to pay stock.

SEC. 9. *Be it further enacted*, That upon the failure of any stockholder to pay any installment called for as aforesaid, or for any balance due on a public sale of stock as aforesaid, the said president and directors may move the circuit or county court of Tuskaloosa for judgment at the term of which such motion is made, and the judgment so rendered shall be *a lien* on the real property of such stockholder, thirty days' notice in writing being given him of said motion. Said motion shall be issued by the president of the board, and may be served by the sheriff, who shall be entitled to one dollar for serving the same, to be taxed in the bill of costs; and upon such judgment execution shall be issued as in other cases.

May acquire
right of way.

Proceedings
when parties
cannot agree.

SEC. 10. *Be it further enacted*, That the president and directors of said company are hereby authorised to contract for and receive conveyances of land, stone, timber and wood, or of any other material necessary in the construction of said road; and when the owner and the directors cannot agree upon the price, or when the owner is an infant, non-resident, or *non compos mentis*, upon the application of the president and directors, the sheriff of the county in which the property is situated shall summon a jury of seven disinterested persons, a majority of whom shall, upon their oaths to be administered by the sheriff,

assess the damages, if any, to which the owner is entitled, and render their verdict in writing, which, on the application of said president and directors shall, by the clerk of the county court where said property is situated, be entered of record and operate in law a conveyance of said property to said company, on its paying, or offering to pay, the damages, if any, which are assessed. The sheriff and each of the jurors shall be entitled to one dollar per day, and the clerk one dollar for making such record, which shall be paid by said company. But either party dissatisfied with the verdict of the jury, may appeal to the next term of the circuit court of the county, on entering into bond with security before the clerk of the county court, in such sum as he may require, with condition to prosecute the appeal with effect and to pay all costs and damages which may be awarded against him; but the construction of said road shall not be delayed or suspended pending such appeal.

SEC. 11. *Be it further enacted*, That if any person shall willfully and maliciously injure, or in any manner or in any way obstruct said road, he shall forfeit and pay treble damages to the president and directors of said company, for any injury sustained by said company in consequence thereof, to be sued for and recovered in any court having jurisdiction thereof. And for any such willful injury or obstruction, the person so offending shall be guilty of a misdemeanor and subject to indictment; and on conviction shall be imprisoned by the court not less than one nor more than six months. Penalty for injuring road.

SEC. 12. *Be it further enacted*, That payment for subscriptions to stock may be made in labor, materials, provisions or in any other thing necessary to the construction of said road which the board of directors in their discretion may deem proper to accept. Stock may be paid in labor.

SEC. 13. *Be it further enacted*, That the said president and directors shall keep a minute of all their proceedings, and shall enter in well bound books, to be kept for that purpose, all contracts and other acts of said directors, which shall be always open to the inspection of any stockholder of said company. It shall also be their duty at the annual meeting of the stockholders to make a full report of all their proceedings and of the finances and present condition of the company. Board shall keep record of proceedings.

SEC. 14. *Be it further enacted*, That the stock of said company shall be considered in law personal estate, and as such shall, upon the death of any stockholder, vest in his personal representative, unless by his last will he should bequeath it, and shall also be subject to levy and sale by execution at law. Stock declared personal property.

May collect
tolls.

SEC. 15. *Be it further enacted*, That after the completion of said road, or any section or part thereof, the said president and directors may lay and collect tolls from all persons, property, merchandise and other commodity transported thereon: *Provided*, That nothing contained in this act shall be so construed as to authorise said company to exercise the powers of a banking company, or to issue any description of paper or evidence of debt intended to circulate as money.

Co. shall issue
certificates of
stock.

SEC. 16. *Be it further enacted*, That the said company shall issue certificates of stock to the stockholders of said company signed by the president, which shall be assignable, at the pleasure of the holder, according to such modes as shall be provided by the by-laws of the company; but no stock shall be assignable, or vest any interest in the assignee, until all calls made by the company previous to such transfer are paid.

Road may be
constructed.
Terms.

SEC. 17. *And be it further enacted*, That any associations of persons may continue the said plank road to any point beyond its termination, or make collateral roads intersecting the main stem, by the name and style of the Tuskalooza Plank Road Company Number two, three, &c., in the order in which they are built; and by such name and style shall be in law a corporate body with all the powers and privileges hereby conferred on the Tuskaloosa plank road company, and subject to all the rules and regulations herein prescribed for the Tuskaloosa plank road company, but shall not be identified with it but by consent of the stockholders thereof.

APPROVED, 14 December, 1849.

[No. 146.]

AN ACT

To incorporate the Montgomery and Tuskaloosa Plank Road Company.

Corporators.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Joseph S. Winter, Francis Bugbee, Charles T. Pollard, James B. Wallace, William Taylor, Thomas M. Cowle, Francis M. Gilmer, Thos. S. Mays, and Charles Cromelin, and their present and future associates, are hereby declared and constituted a body corporate, by the name and style of the Montgomery and Tuskaloosa Plank Road Company, for the purpose of constructing a plank road from the city of Montgomery to the city of Tuscaloosa; and by that name and style may sue and be sued, plead and be implead-

Name and style

ed, answer and be answered in all courts of law or equity in this state, and may have and use a common seal, and the same alter and amend at pleasure; and may have and hold real and personal estate to all extent necessary to carry on their business advantageously, with power to transfer and convey the same.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall not exceed the sum of three hundred thousand dollars, and that books of subscription for said capital stock may be opened in the cities of Montgomery and Tuscaloosa, and such other places and at such times and under such rules and regulations as the said Joseph S. Winter, Francis Bugbee, C. T. Pollard, J. B. Wallace, W. Taylor, T. M. Cowle, F. M. Gilmer, T. S. Mays, and Chas. Cromelin may adopt and prescribe, with full power to regulate the whole matter, and to declare forfeitures under certain rules when stockholders shall fail to comply, and to do all things necessary to ensure the punctual payment of the several installments of stock, required as they become due.

Capital stock

Books of subscription shall be opened.

SEC. 3. *Be it further enacted*, That the capital stock of said corporation shall be divided into shares of fifty dollars each, to be assignable and transferrable, according to such rules and regulations as the said corporation may adopt, and all stockholders shall be entitled to one vote for each share he or she may own, at all elections and upon all business matters in meetings of the stockholders; and that subscriptions to said stock, and the transfer of the same when made, shall be registered in a book to be provided by said corporation.

Capital stock divided into shares

SEC. 4. *Be it further enacted*, That said company shall not be considered as organized until stock to the amount of fifty thousand dollars shall be subscribed; after which the stockholders shall elect five directors to manage the business, property, and concerns of said company, one of whom shall be chosen president by the directors; such directors to be chosen annually, at such times and places as the directors may determine.

\$50,000 subscribed—company may organise.

SEC. 5. *Be it further enacted*, That the directors for the time being shall serve until their successors shall be appointed, and they or a majority of them, shall constitute a quorum for the transaction of business, and shall have power to enact by-laws, rules, ordinances, and regulations necessary for the construction and management of said road, and all such matters as may appertain to the concerns of said company; and they shall have power to employ such offi-

Powers of board

cers, agents, laborers, servants, and engineers, as may be necessary for the construction and management of said road and the transaction of its concerns; and to discharge and remove them at their pleasure.

SEC. 6. *Be it further enacted*, That said company shall have the power to make and construct a plank road from the city of Montgomery to the city of Tuscaloosa, on such route and through such counties as said company may select; and also to establish a public ferry, or erect a bridge across the Alabama river, and a bridge or ferry across the Cahawba river, and to receive such toll for crossing said ferries or bridges as the commissioners' court of the county of Montgomery in the first case, and the court of the county in which said last mentioned bridge or ferry in the other case, may determine: *Provided*, That said company shall not obstruct any public road now in use between said points, or the navigation of the Alabama river: *And provided further*, That said company shall not charge toll on said bridge or ferry until ten miles of said road shall have been completed.

Route of road.

May have ferry or bridge across Alabama river.

Proviso.

SEC. 7. *Be it further enacted*, That in the event the said corporation shall not be able to obtain the right of way for such road from the owners of land through which it may pass, such compensation shall be paid to the owner as may be assessed by a jury upon a writ of *ad quod damnum*, to be sued and tried as now prescribed by an act entitled "An act to incorporate the Cane Brake Plank Road Company," approved March 4th, 1848: *Provided*, In estimating the judgment to be rendered in such proceedings, the jury or court shall not consider the probable or prospective advantages to result to the owners of said land from the construction of said road.

May acquire right of way, and how.

SEC. 8. *Be it further enacted*, That all property acquired by said company and the road when finished shall vest in the respective shareholders in proportion to their respective shares.

Property vested.

SEC. 9. *Be it further enacted*, That the said company shall be vested with the right and power of exacting and receiving such toll for transportation of property or persons as they may require: *Provided*, That a tariff of tolls shall be annually established and published at each depot on said road for the information of the public, which shall not be changed oftener than once a year.

May charge toll

SEC. 10. *Be it further enacted*, That if any stockholder shall fail or refuse to pay his subscription to stock according to the regulations of said corporation, the same shall

Of payment and forfeiture of stock

have power on giving ten days' notice to such defaulting stockholder, to move for and obtain judgment either in the circuit or county court of the county in which such stockholder may reside, for the amount of his subscription for which he may be in default, with interest thereon at the rate of five per cent. per annum; from such default until the rendition of such judgment, and the cost of said motion.

SEC. 11. *Be it further enacted*, That said company shall have power, under the provisions of this act, to make and construct branch or branches of said road, leaving the said road at any point or points, and running to any other point or points in the state that may be determined upon by said company, under the same rule and regulations and with the same powers and privileges heretofore granted to said company for the construction of the main trunk of said road, and for this purpose they shall be authorised and empowered to increase their capital stock in the manner hereinbefore prescribed, to such an extent as may be deemed necessary and expedient by said company.

Power to construct branch roads.

SEC. 12. *Be it further enacted*, That nothing in this act contained shall be so construed as to allow any banking privileges to said company; and the said company are hereby required to commence the building of said road within five years and complete the same within fifteen years from the passage of this act.

Restriction.

Road, when to be commenced and completed.

APPROVED, 5 February, 1850.

[No. 147.]

AN ACT

To incorporate the Mobile and Spring Hill Plank or Shell Road Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John A. M. Battle, Daniel Wheeler, Wm. A. Dawson, Roger Stewart, William Jarvis, Albert Stein, James S. Deas, Thomas W. McCoy, Emanuel Jones, Henry D. Blair, Walter Smith, and Archibald Brown be and are hereby appointed commissioners to open subscriptions for the capital stock of the Mobile and Spring Hill Plank or Shell Road Company, at such times and places as they, or a majority of them, shall think necessary.

Commissioners to open books.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be fifteen thousand dollars, in shares of one hundred dollars each; but may be increased one-third

Capital stock.

more, if in the opinion of said company such increase is desirable.

Route of road. SEC. 3. *Be it further enacted*, That the said road shall be constructed from the city of Mobile and proceed in a westerly direction to such place or places to Spring Hill as the directors thereof may deem best, commencing at Mobile aforesaid and pursuing such route as may be considered best.

\$7,000 subscribed, company incorporated. Name and style. SEC. 4. *Be it further enacted*, That as soon as seven thousand dollars shall have been subscribed to the capital stock of said company, the subscribers of said stock and all who shall thereafter subscribe, their assignees and successors, shall be and they are hereby incorporated by the name and style of the Mobile and Spring Hill Plank or Shell Road Company, and shall have perpetual succession; and by that name shall sue and be sued, and be capable in law of buying, selling, holding and conveying real and personal estate so far as may be necessary to carry into effect the purpose and design of said corporation.

\$7,000 subscribed, company may organise, and how. SEC. 5. *Be it further enacted*, That as soon as seven thousand dollars shall have been subscribed, the said commissioners shall call a general meeting of the subscribers at such time and place as they shall appoint; and at such meeting the said subscribers or a majority of them in value, elect seven directors, a majority of whom shall constitute a quorum to transact the business and manage the affairs of said company; and the said commissioners, or any three of them, shall be judges of the first election; the directors thus chosen shall elect a president of said company, and allow him such compensation as they may think proper; and in all elections each stockholder shall be allowed one vote for each share held by him, and may vote by proxy.

Annual election of president and directors. Powers. SEC. 6. *Be it further enacted*, That the president and directors of said company shall be annually chosen by the stockholders thereof; and if any vacancy should occur by death or otherwise, such vacancy shall be filled by the directory, but the president and directors shall hold their office until their successors are chosen, and shall have power to call meetings of the stockholders at any time, and shall call such meetings whenever a stockholder or stockholders representing fifty hundred shares of stock shall in writing require such a call to be made; and a majority of all the stockholders in value of said company shall have power to remove the president and directors, and fill the vacancy thus created.

SEC. 7. *Be it further enacted*, That the president and directors may appoint all such officers, engineers, agents or

servants as they may deem necessary to carry on the business of said company, and may dismiss them at pleasure and determine their compensation; they shall have power to pass all such by-laws as they think necessary and proper to carry into effect the object of this act; but no by-law shall be passed contrary to the laws of this state or of the United States; they are hereby empowered to borrow money to carry into effect the objects of this act; to issue certificates or other evidences of such loan, and to pledge the property of said company for the payment of the same.

Further power of president and directors.

SEC. 8. *Be it further enacted*, That the president and directors shall have power to require the stockholders of said company to pay such installments on their respective shares of stock in said company at such times as they think the interest of the company requires, giving twenty days' notice by advertisement in a newspaper published in the city of Mobile of such call; and upon the failure or refusal of any stockholder to pay pursuant thereto, may, upon giving thirty days' notice, proceed to sell said stock at public sale to the highest bidder, who shall thereby become invested with the title of the delinquent stockholder; and if the said stock should sell for less than the amount due thereon, such delinquent stockholder shall be liable to the company for such deficiency.

Power in requiring payment of stock.

May sell forfeited stock.

SEC. 9. *Be it further enacted*, That upon the failure of any stockholder to pay any installment called for as aforesaid, or for any balance due on a public sale of stock as aforesaid, the said president and directors may move the circuit or county court of Mobile county for judgment at the term at which such motion is made, and the judgment so rendered shall be a lien on the real and personal property of such stockholder, thirty days' notice being given him of said motion; said notice shall be issued by the president of the board, and may be served by the sheriff, who shall be entitled to one dollar for serving the same, and to be taxed in the bill of cost; and upon such judgment execution shall issue as in other cases.

Stockholder failing to pay liable.

SEC. 10. *Be it further enacted*, That the president and directors of said company are hereby authorised to contract for and receive conveyances of land, stone, timber and wood, or of any other material necessary in the construction of said road; and when the owners and directors cannot agree upon the price, or when the owner is an infant, non-resident or *non compos mentis*, upon the application of the president and directors, the sheriff of Mobile county shall summons a jury of seven disinterested persons,

May acquire right of way.

Proceedings where company and owner cannot agree.

a majority of whom shall, upon their oaths to be administered by the sheriff, assess the damages, if any, to which the owner is entitled, and render their verdict in writing, which on the application of the president and directors shall, by the clerk of the county court of Mobile county, be entered of record and operate in law a conveyance of said property to said company, on its paying or offering to pay the damages, if any, which are assessed; the sheriff and each of the jurors shall be entitled to one dollar per day, and the clerk to one dollar for making such record, which shall be paid by said company; but either party dissatisfied with the verdict of the jury may appeal to the next term of the circuit court of Mobile county, on entering into bond with security before the clerk of the county court in such sum as he may require, with condition to prosecute the appeal with effect, and to pay all costs and damages which may be awarded against him; but the construction of said road shall not be delayed or suspended pending such appeal.

Penalty for injuring road.

SEC. 11. *Be it further enacted*, That if any person shall willfully injure, or in any manner or in any way obstruct said road, he shall forfeit and pay treble damages to the president and directors of said company in consequence thereof, to be sued for and recovered in any court having jurisdiction thereof; and for any such willful injury or obstruction, the person so offending shall be guilty of a misdemeanor and subject to indictment; and on conviction shall be imprisoned by the court not less than one nor more than six months.

Of payment of stock in labor.

SEC. 12. *Be it further enacted*, That payments for subscriptions to stock may be made in labor, materials, provisions, or in any other thing necessary to the construction of said road, which the board of directors in their discretion may deem proper to accept.

Bo'rd shall keep record of proceedings.

SEC. 13. *Be it further enacted*, That the said president and directors shall keep a minute of all their proceedings, and shall enter in well bound books to be kept for that purpose all contracts and other acts of said company, which shall be always open to the inspection of any stockholder of said company. It shall also be their duty at the annual meeting of the stockholders, to make a full report of all their proceedings and of the finances and present condition of the company.

Stock personal property.

SEC. 14. *Be it further enacted*, That the stock of said company shall be considered in law personal estate, and as such shall, upon the death of any stockholder, vest in his personal representative, unless by his last will he should

bequeath it, and shall also be subject to levy and sale by execution at law.

SEC. 15. *Be it further enacted,* That after the completion of said road, or any section or part thereof, the said president and directors may levy and collect tolls from all persons, property, merchandise, and other commodity transported thereon: *Provided,* That nothing contained in this act shall be so construed as to authorise said company to exercise the powers of a banking company, or to issue any description of paper or evidence of debt intended to circulate as money. May collect toll.

SEC. 16. *And be it further enacted,* That the said company shall issue certificates of stock to the stockholders of said company, signed by the president, which shall be assignable at the pleasure of the holder, according to such mode as shall be provided by the by-laws of the company; but no stock shall be assignable or vest any interest in the assignee until all calls made by the company previous to such transfer are paid. Company shall issue certificates of stock.

APPROVED, 13 February, 1850.

[No. 148.]

AN ACT

To incorporate the Montgomery and Wetumpka Plank Road Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Charles Cromelin, Joseph S. Winter, James J. Stewart, John H. Murphy, Philip A. Wray, Ezekiel J. Donnell, James W. Pryor, and Jack Thorington, and their associates and successors, are hereby declared and constituted a body politic and corporate, by the name of the Montgomery and Wetumpka Plank Road Company, and by that name to sue and be sued, plead and be impleaded, answer and be answered, in any court of this state; to make, have and use a common seal, and the same to break, alter and renew at pleasure; and the said company is hereby vested with all powers, privileges, and immunities, which are or may be necessary to carry into effect the purposes and objects of this act hereinafter set forth; and may have and hold real and personal property to all extent necessary and proper for the same; and it shall be the duty of the corporation hereinbefore named, to open books free for all persons to subscribe for the stock of said company, within thirty days after the passage of this char- Corporators. Name and style. Powers.

ter, and to require a payment in cash of ten dollars per share at the time of subscribing; and also to advertise the time and place of receiving subscriptions in one or more public gazettes in the city of Montgomery, at least ten days prior to the opening said books for subscription.

Capital stock.

SEC. 2. *And be it further enacted*, That the capital stock of said company shall be fifty thousand dollars, and subscriptions to the same shall be regulated by the parties named in the first section of this act, or a majority of them, as to the time, place, manner, and mode of said subscription, and the time and mode of payment, with full power to regulate the whole matter, and to declare forfeitures under certain rules, when stockholders fail to comply, and to do all things necessary to insure the punctual payment of the several installments of stock required, as they become due: *Provided*, That any regulation thus adopted shall be general and operate on all alike.

Shares of stock may be assigned.

SEC. 3. *And be it further enacted*, That the capital stock of said company shall be divided into shares of one hundred dollars each, to be assignable and transferrable according to such regulations as said corporation may adopt; and the number of votes to which each stockholder may be entitled on all questions concerning the interest of the company, shall be equal to the number of shares held by him, each share being entitled to one vote.

Route of road.

SEC. 4. *And be it further enacted*, That it shall be lawful for, and said company shall have power and authority, and is hereby authorised to locate and construct a plank road from the city of Montgomery to Wetumpka, and to build at any stage of water a bridge across the Tallapoosa river, which shall not obstruct the navigation of said river where the said road may cross the said river: *Provided, however*, That said road shall not be so located as to interfere with any dwelling house, or pass through the yard of any dwelling house, without the consent of the owner of the same: *And provided further*, That the said company shall have the right to connect or join the road which may be constructed under this charter, with any other public plank road or roads which may be built under authority of any law of this state, and which right shall be reciprocal.

\$25,000 subscribed comp'y may organise.

Board of directors, their election and powers

SEC. 5. *And be it further enacted*, That whenever twenty-five thousand dollars of the stock of said company shall be subscribed for, the said company may be considered as organised, and the stockholders may proceed to elect a board of directors, who shall be owners of stock, to manage the business of said corporation; the said board of directors

shall be chosen annually, at such time and place as the stockholders may determine ; and should the said annual election at any time not be held on the day appointed, it shall be lawful to hold said election on any other day, which election shall be valid to all intents and purposes, and the directors for the time being shall serve until their successors are elected. The said directors shall appoint from their own body a president, and also a secretary or treasurer, and fix their salaries, and shall also have power to employ all such officers, agents, servants, or laborers, as they may deem necessary for the construction of the proposed road and the transaction of the business of the corporation ; and the said directors shall have power to make all such by-laws, rules and ordinances, as to them may appear needful, touching the management of the road to be constructed and the effects of the corporation ; a majority of the directors shall form a quorum for the transaction of business.

SEC. 6. *And be it further enacted,* That said corporation shall have power and authority to acquire, by purchase or otherwise, a right of way from the owner or owners of land through which the said road may be designed to pass, of sufficient width for the location, construction, and accommodation of said road, and also to receive from the commissioners of roads and revenue of the county or counties in which said road may run, the use of any highway or highways already dedicated to the public use ; and the said commissioners of roads and revenue are hereby authorised and empowered to grant the use of said highway or highways to the said company, when the said commissioners may deem it expedient for the location or construction of said plank road, or construction of toll houses : *Provided,* That no public road which said commissioners of roads and revenue deem it expedient to be kept open, shall be obstructed thereby ; and the said corporation shall also have the power and authority to receive from the municipal authorities of any city or town in which said road may terminate or through which it may run, the use of any street or streets for the location or construction of said road or toll houses ; and the municipal authorities of any such city or town are hereby authorised and empowered to grant to said company the right over and use of any street or streets in said city or town, in such manner and in such direction as the public convenience may permit.

SEC. 7. *Be it further enacted,* That if the said company cannot agree with the owner of the land through which the desired road shall pass, or with the executors, administra-

Proceedings
when company
and owners of
land cannot a-
gree.

Effect of ver-
dict.

tors, guardians, or trustees, it shall be lawful for the clerk of the circuit court of the county in which said land lies, on the application of said company or its agents, and he is required to issue a writ of *ad quod damnum*, commanding the sheriff that without delay he cause a jury of six good and lawful men to be upon such land upon a day to be by said sheriff fixed and appointed, and whereof it shall be his duty to give notice to the owners, administrators, executors, guardians, or trustees, at least five days before such day, if they be within his county, or if not, or if the owner or owners be unknown, then notice shall be given by advertisement to be by said sheriff posted and fixed at the dwelling house if such there be, or in a public or conspicuous place at least five days before such appointed day, and also by advertising the same in some newspaper published nearest the land, at least four weeks by weekly insertions prior to said day, and then cause said jury after being duly sworn by said sheriff or by a justice of the peace to make true inquest of the damages that will be sustained by such owner or estate by reason of making such road through such land. If any such juror shall fail to appear, or by reason of challenge or otherwise, shall fail to sit on such inquest, the said sheriff shall fill said jury from the bystanders; and if they fail to render a verdict, the said sheriff shall again on the same or a subsequent day empanel a new jury or jurors until a verdict be had; such verdict and inquest, regularly certified by said sheriff, shall be returned to the office of the clerk of the circuit court of the county in which said land may lie, and there remain among the records; and such verdict shall vest in said company the right to occupy and use such land for the purpose of said plank road on the payment or tender of payment of the damages thereon assessed against said company, and in case of persons absent or unknown as aforesaid, the placing of the amount of such damages to the credit of the owner in the hands of the judge of the county court of the county in which such land may lie, shall be deemed and taken as payment; and such judges shall be liable on their bonds to make due payment of said money on demand; and it shall be the duty of the sheriff to appoint and hold said inquest within ten days after the receipt of said writ of *ad quod damnum*, except in cases of absence as aforesaid, in which case thirty days shall be allowed him for every additional jury which he may empanel under said writ; and every juror and witness summoned shall be fined not less than ten dollars for non-attendance. The circuit court of the county shall have

jurisdiction of all such fines as well as costs. There shall be allowed the following fees: To the clerk of the circuit court, for every writ of *ad quod damnum*, seventy-five cents; for receiving and filing inquests, seventy-five cents; to the sheriff, for giving notice, seventy-five cents, besides printers' fees; for holding inquests, five dollars; and for summoning witnesses, twenty-five cents each; to jurors, seventy-five cents per diem each; which fees are not allowed until a verdict be rendered and filed, and shall be taxed in the bill of costs and paid by said company: *Provided*, Fees of officers and jury. *however*, That before the application for said writ, the said company may make a tender to the owner or owners of any such land of a sum of money by said company deemed equivalent to the damages to be sustained, and upon refusal to accept the sum tendered and a verdict for the same amount or a less sum, the costs shall be taxed to and paid by the owners of the land upon which the inquest is held.

SEC. 8. *And be it further enacted*, That the said company is vested with the right and power of demanding and exacting such toll as may be fixed by said company for the transit of persons or property upon said road; for which purpose a rate of tolls shall be established and published at each toll gate on said road for the information of the public, though it shall not be lawful to charge a greater amount of toll on the articles and animals hereinafter enumerated than the rates hereinafter stipulated: For each horse or mule not in harness, one cent per mile per head; for each one horse private pleasure carriage, two and a half cents per mile; for each two horse private pleasure carriage, three and a half cents per mile; for each loaded cart drawn by one animal, one cent and a quarter per mile; for each loaded road wagon drawn by two animals, three cents per mile; for all loaded road wagons with a greater number of animals than two, one and a half cents per mile for each additional head; empty wagons and carts shall be entitled to a reduction of twenty-five per cent. from the foregoing rates; when any cart or wagon is loaded beyond two thousand pounds to the animal, thirty-three and a third per cent. may be charged upon the foregoing rates; and for crossing said bridge, the said company may receive tolls not exceeding the following rates: for every four wheeled pleasure carriage, mail coach, or four horse wagon, fifty cents; for every two horse wagon or ox cart, twenty-five cents; for every buggy or sulky, twenty-five cents; for every man and horse, ten cents; for every loose horse, five cents; for each foot passenger, five cents; for each

head of cattle, three cents; for each head of sheep, goats or hogs, two cents: *Provided, however,* That the following persons shall be exempt from the payment of toll for passing over said road at the gates of said company: 1st. Persons going to or from religious meetings where the distance does not exceed three miles; 2d. All persons going to or from any funeral, and all funeral processions; 3d. Persons going to any elections of a public nature at which they are entitled to vote for the purpose of voting, and returning therefrom the same day, provided the distance does not exceed three miles; 4th. All persons living on said road within three miles of any gate and who do not live in an incorporated town shall be permitted to pass the said gate at one-half the usual rates of toll, except farmers going to or returning from their work on their farms, who shall go free when not employed in the transportation of persons, or property of other persons; 5th. Troops in the actual service of this state or of the United States.

Shall not charge
certain persons.

SEC. 9. *And be it further enacted,* That no plank road for public use shall be constructed within fifteen years after the completion of the said road, to run from or near Montgomery to or near Wetumpka, nor any in a parallel direction that shall be at a point half way between Montgomery and Wetumpka less than six miles distant from the road herein contemplated.

Vested rights of
road.

SEC. 10. *And be it further enacted,* That any person falsely representing himself or herself to any toll gatherer as entitled to any of the exemptions mentioned in the preceding section of this act, shall forfeit to the company the sum of ten dollars, to be recovered in the corporate name of the company before any justice of the peace of the State of Alabama.

Penalty for im-
position.

APPROVED, 2 January, 1850.

[No. 149.]

AN ACT

To incorporate the Auburn and Girard Plank Road Company.

Corporators.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Nathaniel J. Scott, Wiley W. Mason, John Edy, James W. Kidd, James F. White, Edwin Reese, Simeon W. Yancey, Robert A. Crawford, James Wilson, Wm. Barnett, Abram Miles, Thos. S. Tate and Jas. W. Echols, they or a majority of them, their present or future associates or successors, are hereby declared and constituted a body

corporate by the name and style of the Auburn and Girard Plank Road Company; for the purpose of constructing a plank road from Auburn in the county of Macon to Girard in the county of Russell, and by that name and style may sue and be sued, plead and be impleaded, answer and be answered in any court of law or equity this state; and may have and use a common seal, and the same to alter or amend at pleasure; and may have and hold real and personal property necessary to carry on their business advantageously, with full power to transfer or convey the same.

SEC. 2. *And be it further enacted*, That the capital stock of said company shall not exceed one hundred and fifty thousand dollars, and that subscriptions to the same shall be regulated by the said Scott, Mason and their associates, as to the number of shares, the times, place, manner and mode of subscriptions, the amount to be paid in, with time or times when the remaining portions shall be paid and the mode of payment, with full power to declare forfeitures (under certain rules to be before prescribed) when stockholders fail to comply; and to do all things necessary to ensure the prompt payment of the several installments of stock when required: *Provided*, That any regulation thus adopted shall be general and operate on all alike: *And provided also*, That should any stockholder fail to pay in his subscription according to the regulations of said corporation, the same shall have power, on giving ten days notice to such defaulting stockholder, to move for and obtain judgment in either the circuit or county court of the county in which such stockholder may reside, for the amount he may be in default, with five per cent. thereon and cost of suit.

SEC. 3. *And be it further enacted*, That the capital stock of said corporation shall be divided into shares of one hundred dollars each, to be assignable or transferable according to such regulations as said corporation may adopt; and on all questions arising at business meetings, each stockholder shall be entitled to one vote for each share he may own: *Provided*, That the subscriptions of stock and the transfer of the same (when made) shall be registered in a book to be provided by said corporation, which shall at all times be open to the inspection of the stockholders.

SEC. 4. *And be it further enacted*, That said company shall not be considered as organised until stock to the amount of twenty-five thousand dollars shall be subscribed, after which the stockholders shall elect nine directors to manage the property, business and affairs of said corporation.

Name and style
Object of corporation.

Capital stock.

Shall be divid'd
into shares.

\$25,000 subscri-
bed, company
may organise.

Board of direc-
tors.

Their powers.

tion, one of whom shall be appointed president by the other directors, which directors shall be chosen annually at such time and place as the directors may determine upon. *Provided*, That the directors for the time being shall serve until their successors are elected, and they or a majority of them shall form a quorum for the transaction of business, and shall have power to make all such by-laws, rules, and ordinances, as to them may appear needful, touching the management of the road to be constructed and effects of the corporation, and all such matters as may appertain to the same, not inconsistent with the constitution and laws of the State of Alabama; and they shall have power to employ all such officers, agents, servants or laborers, as they may deem necessary for the transaction of the business of the corporation, and to displace, remove, or discharge such officers, agents, or servants, at pleasure.

Powers in constructing road.

May acquire right of way, and how.

SEC. 5. *And be it further enacted*, That it shall or may be lawful for said corporation to construct and make a plank road from Auburn, in Macon county, to Girard, in Russell county, on such convenient route as said company may select: *Provided*, That no public roads now in use shall be thereby obstructed: *And provided further*, That in the event said corporation shall be unable to obtain the right of way for said road from the owner or owners of land through which the same may pass, such compensation shall be paid to the owners of such land as may be assessed by a jury upon a writ of *ad quod damnum*, to be sued out and tried in the mode prescribed by the act entitled "An act to incorporate the Southern Rail Road Company," approved 5th January, 1846.

Rights and property vested in stockholder.

SEC. 6. *And be it further enacted*, That all lands, rights and property acquired by said company with said road when completed and all profits which may accrue therefrom, shall be vested in the respective shareholders, their heirs, legal representatives, or assigns forever, in proportion to their respective shares.

Penalty for injuring road.

SEC. 7. *And be it further enacted*, That in case any person shall willfully injure or obstruct the said road, whereby the said company shall sustain any loss, he shall forfeit and pay to said company three times the amount of all damages which they may sustain in consequence thereof, to be sued for and recovered in the same manner as provided for by law for individuals in like cases, and shall be further subject to indictment and punished by fine or imprisonment or both, at the discretion of the jury trying the offence.

SEC. 8. *And be it further enacted*, That said company are invested with the right and power of exacting and demanding such tolls for transportation of persons or property as they may require: *Provided*, That a tariff of tolls shall be annually established and published at each depot on said road for the information of the public, and shall not be in any manner increased until the next annual meeting.

May collect tolls

SEC. 9. *And be it further enacted*, That the stockholders of said company may be made liable for the debts of said company to the amount of stock by them respectively taken or owned, but for no greater amount.

Liabilities of stockholders.

SEC. 10. *And be it further enacted*, That said plank road shall be commenced within five and completed within ten years from the passage of this act: *And provided*, That nothing in this act shall be so construed as to confer banking privileges.

Road, when to be commenced and completed. Proviso.

APPROVED, 5 February, 1850.

[No. 150.]

AN ACT

To amend the charter of the Montgomery and Wetumpka Plank Road Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the charter of the "Montgomery and Wetumpka Plank Road Company" be so amended that the said company shall have full power and authority, and they are hereby invested therewith, to grade and construct branches from the said road to such termini or points as they may deem advisable, and that said branches, toll bridges, right of way, assessing and collecting tolls thereon, and all and every other matter appertaining thereto shall be governed by the same rules and regulations as those contained in said charter for the road from Montgomery to Wetumpka.

Com'rs may construct branch roads.

SEC. 2. *And be it further enacted*, That for the purpose of carrying out the foregoing amendment, the said company shall have full power and authority to increase the capital stock of said company to such sum as they may consider sufficient for the grading, construction and entire completion of such branches and bridges they may construct and establish, together with all other expenditures attending the same, and the management and superintendence thereof.

May increase capital stock.

APPROVED, 5 February, 1850.

[No. 151.]

AN ACT

To incorporate the South-Eastern Plank Road Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly* *co. v ned.* That James L. Gilmer, Frederick Jordan, William Marks, E. A. Hol, A. B. McWhorter, John Caffey, James Pierce, R. H. Powell, J. H. Waugh, J. S. Winter, and their associates and successors, are hereby declared and constituted a body corporate by the name of "The South-Eastern Plank Road Company;" and by that name to sue and be sued, plead and be impleaded, answer and be answered in any court of this state, to make, have and use a common seal, and the same to break, alter and renew at pleasure. And the said company are hereby vested with all powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act hereinafter set forth, and may have and hold real and personal property to all extents necessary and proper for the same. And it shall be the duty of the corporators hereinbefore named to open books free for all persons to subscribe for the stock of said company within thirty days after the passage of this charter, and to require a payment in cash of ten dollars per share at the time of subscribing, and also to advertise the time and place of receiving subscriptions in one or more public gazettes in the city of Montgomery at least ten days prior to the opening said books for subscriptions.

SEC. 2. *And be it further enacted,* That the capital stock of said company shall be one hundred thousand dollars, and subscriptions to the same shall be regulated by the parties named in the first section to this act, or a majority of them, as to the time, place, manner and mode of said subscription, and the time and mode of payment, with full power to regulate the whole matter and to declare forfeitures under certain rules when stockholders fail to comply, and to do all things necessary to insure the punctual payment of the several installments of stock required as they become due: *Provided,* That any regulation thus adopted shall be general and operate on all alike.

SEC. 3. *And be it further enacted,* That the capital stock of said company shall be divided into shares of one hundred dollars each, to be assignable and transferrable according to such regulations as said corporation may adopt, and the number of votes to which each stockholder may be entitled on all questions concerning the interest of the company

shall be equal to the number of shares held by him, each share being entitled to one vote.

SEC. 4. *And be it further enacted*, That it shall be lawful for, and said company shall have power and authority, May locate and construct road. and is hereby authorised to locate and construct a plank road from the city of Montgomery, in a south eastern direction, Route. or as near as may be, to or near the seven mile post on the Moody Road to where it crosses the Catoma creek, and on the best route to or near Union Springs: *Provided*, Restriction. *however*, That said road shall not be so located as to interfere with any dwelling house, or pass through the yard of any dwelling house without the consent of the owner of the same: *And provided further*, That the said company shall have the exclusive privilege of constructing said road from a point eight miles from the city of Montgomery; and shall further have the privilege of constructing and extending branches from the said road to any point which the said company may desire, and no road shall by any charter hereafter to be granted be constructed parallel to the said south-eastern plank road, within five miles of the same: *And provided further*, That the said company shall have the right to connect or join the road which may be constructed under this charter with any other public plank road or roads which may be built under authority of any law of this state, and which right shall be reciprocal.

SEC. 5. *And be it further enacted*, That whenever twenty-five thousand dollars of the stock of said company shall be subscribed for, the said company may be considered as \$25,000 subscribed, company may organise. organised, and the stockholders may proceed to elect a board of directors, who shall be owners of stock, to manage the business of said corporation. The said board of directors shall be chosen annually at such time and place as the stockholders may determine; and should this said annual election at any time not be held on the day appointed, it shall be lawful to hold said election on any other day, which election shall be valid to all intents and purposes, and the directors for the time being shall serve until their successors are elected. The said directors shall appoint from their own body a president and also a secretary or treasurer, and fix their salaries, and shall also have Powers of board of directors. power to employ all such officers, agents, servants or laborers as they may deem necessary for the construction of the proposed road and the transaction of the business of the corporation, and the said directors shall have power to make all such by-laws, rules and ordinances as to them may

appear needful touching the management of the road to be constructed and the effects of the corporation.

May acquire
right of way.

Powers and pri-
vileges in con-
structing road.

SEC. 6. *And be it further enacted,* That said corporation shall have power and authority to acquire by purchase or otherwise, a right of way from the owner or owners of land through which the said road may be designed to pass, of sufficient width for the location, construction and accommodation of said road, and also to receive from the commissioners of roads and revenue of the county or counties in which said road may run, the use of any highway or highways already dedicated to the public use; and the said commissioners of roads and revenue are hereby authorised and empowered to grant the use of said highway or highways to the said company, when the said commissioners may deem it expedient for the location or construction of said plank road, or the construction of toll houses: *Provided,* That no public road which said commissioners of roads and revenue deem it expedient to be kept open shall be obstructed thereby; and the said corporation shall also have the power and authority to receive from the municipal authorities of the city of Montgomery the use of any street or streets, for the location or construction of said road or toll houses; and the municipal authorities of said city are hereby authorised and empowered to grant to said company the right over and use of any street or streets in said city or town, in such manner and in such direction as the public convenience may permit.

Proceedings
when company
and owners of
lands can not
agree.

SEC 7. *Be it further enacted,* That if the said company cannot agree with the owner of the land through which the desired road shall pass, or with the executors, administrators, guardians, or trustees, it shall and may be lawful for the clerk of the circuit court of the county in which said land lies, on the application of said company or its agents, and he is required to issue a writ of *ad quod damnum*, commanding the sheriff that without delay he cause a jury of six good and lawful men to be upon such land upon a day to be by said sheriff fixed and appointed, and whereof it shall be his duty to give notice to the owners, administrators, executors, guardians, or trustees, at least five days before such a day, if they be within his county, or if not, or if the owner or owners be unknown, then notice shall be given by advertisement to be by said sheriff posted at the dwelling house if such there be, or a public and conspicuous place, at least five days before such appointed day, and also by advertising the same in some newspaper published nearest the land, at least four weeks by weekly insertions,

prior to said day, and cause said jury, after being duly sworn by said sheriff or by a justice of the peace, to make true inquest of the damages that will be sustained by such owners of estate, by reason of making such road through such land. If any such person shall fail to appear, or by reason of challenge or otherwise, shall fail to sit upon such inquest, the said sheriff shall fill said jury from the by-standers, and if they fail to render a verdict, the said sheriff shall again, on the same or on a subsequent day, empanel a new jury or jurors, until a verdict be had ; such verdict and inquest, regularly certified by said sheriff, shall be returned to the office of the clerk of the circuit court of the county in which said land may be, and there remain among the records ; and such verdict shall vest in said company the right to occupy and use such land for the purpose of said plank road, on the payment or tender of payment of the damages thereon assessed against said company ; and in case of persons absent or unknown as aforesaid, the placing of the amount of such damages to the credit of the owner in the hands of the judge of the county court of Montgomery county, shall be deemed and taken as payment, and such judge shall be liable on his bond to make due payment of said money on demand, and it shall be the duty of the sheriff to appoint and hold said inquest within ten days after the receipt of said writ of *ad quod damnum*, except in cases of absence as aforesaid, in which case thirty days shall be allowed him for every additional jury which he may summon under said writ ; and every juror and witness summoned shall be fined not less than ten dollars for non-attendance. The circuit court of the county shall have jurisdiction of all such fines, as well as costs. There shall be allowed the following fees : to the clerk of the circuit court, for every writ of *ad quod damnum*, seventy-five cents ; for receiving and filing inquests, seventy-five cents ; to the sheriff, for giving notice, seventy-five cents, besides printers' fees ; for holding inquest, five dollars ; for summoning witnesses, twenty-five cents each ; to jurors, seventy cents per diem each ; which fees are not allowed until a verdict be rendered and filed, and shall be taxed in the bill of costs and paid by said company : *Provided, however,* That before the application for said writ the said company may make a tender to the owner or owners of any such land, of a sum of money by said company deemed equivalent to the damages to be sustained, and upon refusal to accept the sum tendered, and a verdict for the same amount or a less sum, the costs shall be taxed to and paid

by the owners of the land upon which the inquest is held.

May collect tolls
Rates.

Rates of toll.

SEC. 8. *And be it further enacted,* That the said company is vested with the right and power of demanding and exacting such toll as may be fixed by said company, for the transit of property or persons upon said road; for which purpose a rate of tolls shall be established and published at each toll gate on said road, for the information of the public; though it shall not be lawful to charge a greater amount of toll on the articles and animals hereinafter enumerated than the rates hereinafter stipulated: for each horse, ox or mule, not in harness, one cent per mile per head; other stock one half cent per mile each; for horse and rider, one and a half cents per mile; for each one horse pleasure carriage, three cents per mile; for each two horse pleasure carriage, four and a half cents per mile; for each loaded cart, with one animal, one and a half cents per mile; for each loaded wagon, with two animals, three cents per mile; for each loaded wagon with three animals, three and a half cents per mile; for each loaded wagon with four mules or horses, four and a half cents per mile; for each loaded wagon with five or six horses or mules, six cents per mile; for each loaded wagon with four oxen, four cents per mile; with six oxen, five cents per mile: with eight, six cents per mile; for all empty wagons or partially loaded returners' carts, half the above rates.

Right of road
vest'd for fifteen
years.

SEC. 9. *And be it further enacted,* That no other plank road for public use shall be constructed within fifteen years after the completion of said south-eastern plank road, to run parallel to said road or its branches, from and beyond the eight mile point south-easterly within five miles of said road or its branches.

Penalty for re-
fusing to pay
toll.

SEC. 10. *And be it further enacted,* That any person or persons who shall refuse to pay toll at the rates heretofore stipulated in the eighth section of this act shall forfeit to the company the sum of ten dollars, to be recovered in the corporate name of the company before any justice of the peace in the State of Alabama: *Provided,* The said plank road shall be commenced within two years, and be completed in ten years.

APPROVED, 11 February, 1850.

[No. 152.]

AN ACT

To incorporate the Marengo Plank or Covered Road Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Goodman G. Griffin, John W. Henly, John McRea, William Strudwick, C. Stith, J. L. Price and R. N. Harris and their associates and successors are hereby declared and constituted a body politic and corporate by the name of "The Marengo Plank or Covered Road Company," and by that name to sue and be sued, plead and be impleaded, answer and be answered in any court of this state; to make, have and use a common seal, and the same to break, alter and renew at pleasure; and the said company is hereby vested with all powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act hereinafter set forth, and may have and hold real and personal property to all extents necessary and proper for the same. And it shall be the duty of the corporation hereinbefore named to open books free for all persons to subscribe for the stock of said company, within ninety days after the passage of this charter, and to require a payment in cash of ten dollars per share at the time of subscribing, and also to advertise the time and place of receiving subscriptions in one or more public gazettes published in the counties of Marengo, Green and Perry, at least thirty days prior to the opening of said books for subscription.

Corporators.

Name and style

General corporate powers.

Books to be opened for subscribers of stock.

SEC. 2. *Be it further enacted,* That the capital stock of said company shall be seventy-five thousand dollars, and subscriptions to the same shall be regulated by the parties named in the first section of this act, or a majority of them, as to the time, place, manner and mode of said subscription, and the time and mode of payment, with full power to regulate the whole matter and to declare forfeitures under certain rules when stockholders fail to comply, and to do all things necessary to insure the punctual payment of the several installments of stock required, as they become due: *Provided,* That any regulations thus adopted shall be general and operate on all alike.

Capital stock \$75,000.

SEC. 3. *Be it further enacted,* That the capital stock of said company shall be divided into shares of one hundred dollars each, to be assignable and transferrable according to such regulations as said corporation may adopt; and the number of votes each stockholder may be entitled to on all questions concerning the interest of the company, shall be equal to the number of shares held by him, each share being entitled to one vote.

Divided into shares.

Route of road
to be construct-
ed.

SEC. 4. *Be it further enacted*, That it shall be lawful for and said company shall have power and authority and is hereby authorised to locate and construct a plank or covered road from Demopolis to Prairieville or Macon in said Marengo county, with the privilege of extending said road to Uniontown in Perry county, or such other point as the company may select; and for that purpose may have and use the public road now opened and in use between the said town of Demopolis to Prairieville and thence to Uniontown aforesaid: *Provided*, That they shall leave enough thereof unobstructed by said plank or covered road from Demopolis to the point at which the Linden and Spring Hill road intersects the road aforesaid, about a mile and a half or two miles from Demopolis, for public use; or shall leave and keep open or unobstructed a public road for common use between said point and Demopolis.

Road comple-
ted to Prairie-
ville other road
to be closed.

SEC. 5. *Be it further enacted*, That when the road hereby authorised to be constructed shall be completed as far as Prairieville, whether the road now in use or open as aforesaid be used for the purpose or not, said last mentioned road may be closed, and shall no longer be kept open as a public road from said town of Prairieville to the point of intersection aforesaid with the Spring Hill road, and no other road within five miles thereof, and in the same general direction designed or suitable to be used as a road that will interfere with the rights or interests of said company shall be opened or kept; and the same rights and privileges are given to said company in respect to any road beyond Prairieville whenever from time to time they shall extend said plank or covered road the further space of five miles: *Provided*, That nothing in this act contained shall be construed to authorise said company to cause to be closed the road from Prairieville to Spring Hill, or the one thence to Demopolis, or to prevent travel on the same.

Rights secured
to company.

Proviso.

Restriction.

SEC. 6. *Be it further enacted*, That said road shall not be so located as to interfere with any dwelling house, or pass through the yard of any dwelling house without the consent of the owner of the same; *And provided further*, That the said company shall have the right to connect or join the road which may be constructed under this charter, with any other public plank or covered road or roads which may be built under authority of any law of this state, and which right shall be reciprocal.

SEC. 7. *Be it further enacted*, That whenever twenty thousand dollars of the stock of said company shall be subscribed for, the said company may be considered as or-

ganised, and the stockholders may proceed to elect a board of directors, who shall be owners of stock, to manage the business of said corporation. The said board of directors shall be chosen annually at such time and place as the stockholders may determine; and should the said annual election at any time not be held on the day appointed, it shall be lawful to hold said election on any other day, which election shall be valid to all intents and purposes; and the directors for the time being shall serve until their successors are elected. The said directors shall appoint from their own body a president and also a secretary or treasurer and fix their salaries; and also have power to employ all such officers, agents, servants or laborers as they may deem necessary for the construction of the proposed road and the transaction of the business of the corporation; and the said directors shall have power to make all such by-laws, rules and ordinances as to them may appear needful, touching the management of the road to be constructed and the effects of the corporation; a majority of the directors shall form a quorum for the transaction of business.

\$20,000 of stock
subscrib'd com-
pany may or
ganise.

Officers, their
powers.

SEC. 8. *Be it further enacted*, That said corporation shall have power and authority to acquire by purchase or otherwise a right of way from the owner or owners of land through which the said road may be designed to pass, of sufficient width for the location, construction and accommodation of said road; and also to receive from the commissioners of roads and revenue of the county or counties in which said road may run, the use of any highway or highways already dedicated to the public use; and the said commissioners of roads and revenue are hereby authorised and empowered to grant the use of said highway or highways to the said company, when the said commissioners may deem it expedient for the location or construction of said plank or covered road, or construction of toll houses: *Provided*, That no public road which said commissioners of roads and revenue deem it expedient to be kept open, shall be obstructed thereby, and the said corporation shall also have the power and authority to receive from the municipal authorities of any town in which said road may terminate or through which it may run, the use of any street or streets for the location or construction of said road or toll houses; and the municipal authorities of any such town are hereby authorised and empowered to grant to said company the right over and use of any street or streets in said town, in such manner and in such direction as the public convenience may permit.

May acquire
right of way for
road.

SEC. 9. *Be it further enacted,* That if the said company cannot agree with the owner of the land through which the desired road shall pass, or with the executors, administrators, guardian or trustee, it shall and may be lawful for the clerk of the circuit court of the county in which said land lies, on the application of said company or its agents, and he is required to issue a writ of *ad quod damnum* commanding the sheriff that without delay he cause a jury of six good and lawful men to be upon such land upon a day to be by said sheriff fixed and appointed, and whereof it shall be his duty to give notice to the owners, administrators, executors, guardians or trustees, at least five days before such day, if they be within his county; or if not, or if the owner or owners be unknown, then notice shall be given by advertisement to be by said sheriff posted and fixed at the dwelling house, if such there be, or on a public or conspicuous place, at least five days before such appointed day, and also by advertising the same in some newspaper published nearest the land, at least two weeks by weekly insertions prior to said day, and then cause said jury, after being duly sworn by said sheriff or by a justice of the peace, to make true inquest of the damages that will be sustained by such owner or estate, by reason of making such road through such land. If any such juror shall fail to appear, or by reason of challenge or otherwise shall fail to sit on such inquest, the said sheriff shall fill said jury from the by-standers; and if they fail to render a verdict, the said sheriff shall again, on the same or a subsequent day, empanel a new jury or jurors until a verdict be had; such verdict and inquest regularly certified by said sheriff shall be returned to the office of the clerk of the circuit court of the county in which said land may lie and there remain among the records; and such verdict shall vest in said company the right to occupy and use such land for the purpose of said plank or covered road, on the payment or tender of payment of the damages thereon assessed against said company; and in case of persons absent or unknown as aforesaid, the placing of the amount of such damages to the credit of the owner in the hands of the judge of the county court of the county in which such land may lie, shall be deemed and taken as payment; and such judges shall be liable on their bonds to make due payment of said money on demand; and it shall be the duty of the sheriff to appoint and hold said inquest within ten days after the receipt of said writ of *ad quod damnum*, except in cases of absence as aforesaid, in which case thirty days shall be allowed him for every additional jury which he

Proceedings
when company
and owners can
not agree.

may have under said writ; and every juror and witness summoned shall be fined not less than ten dollars for non-attendance. The circuit court of the county shall have jurisdiction of all such fines as well as costs. There shall be allowed the following fees: To the clerk of the circuit court for every writ of *ad quod damnum*, seventy-five cents; for receiving and filing inquests, seventy-five cents; to the sheriff for giving notice, seventy-five cents, besides printers' fees; for holding inquests, five dollars, and for summoning witnesses, twenty-five cents each; to jurors seventy cents per diem each, which fees are not allowed until a verdict be rendered and filed, and shall be taxed in the bill of costs and paid by said company.

SEC. 10. *Be it further enacted*, That the said company is vested with the right and power of demanding and exacting such toll as may be fixed by said company for the transit of persons or property upon said road, for which purpose a rate of tolls shall be established and published at each toll gate on said road for the information of the public, though it shall not be lawful to charge a greater amount of toll on the articles and animals hereinafter enumerated, than the rates hereinafter specified: For each horse or mule not in harness, one cent per mile; for each one horse private pleasure carriage, two and a half cents per mile; for each two horse private pleasure carriage, three and a half cents per mile; for each loaded cart drawn by one animal, one cent and a quarter per mile; for each loaded road wagon drawn by two animals, three cents per mile; for all loaded wagons with a greater number of animals than two, one and a half cents per mile for each additional head; empty wagons and carts shall be entitled to a reduction of twenty-five per cent. from the foregoing rates. When any cart or wagon is loaded beyond two thousand pounds to the animal, thirty-three and a third per cent. may be charged on the foregoing rates.

May collect tolls.

Rates.

SEC. 11. *Be it further enacted*, That no other plank or covered road for public use shall be constructed within fifteen years after the completion of the said road to run from or near Demopolis, to or near Prairieville or Uniontown, to whichever point said road may be completed, nor any in a parallel direction that shall be less than six miles distant from the road herein contemplated: *Provided, however*, That the following persons shall be exempt from the payment of toll for passing over said road, at the gates of said company: 1st. Persons going to or from religious meetings, where the distance does not exceed three miles: 2d. All persons going to or from any funeral, and all

Right of road secured to co. for fifteen years.

Persons exempt from paying toll

funeral processions: 3d. Persons going to any election of a public nature at which they are entitled to vote, for the purpose of voting and returning therefrom the same day, provided the distance does not exceed three miles: 4th. All persons living on said road within three miles of any gate, and who do not live in any incorporated town, shall be permitted to pass the said gate at one half the usual rates of toll, except farmers going to or returning from their work on their farms, who shall go free when not employed in the transportation of persons, or property of other persons: 5th. Troops in the actual service of this state or of the United States.

Failing to keep
road in repair,
gates may be
thrown open.

SEC. 12. *Be it further enacted*, That if the said company shall at any time permit the road hereby authorised to be constructed to get out of repair and to remain out of repair so as to hinder travel thereon conveniently, for the space of ten days at any one time, the court of commissioners of revenue and roads in the county in which the part of the road so out of repair may lie, shall have power, upon the complaint of any person interested or any citizen of said county and upon notice to said company, to have the toll gates on said road in such county thrown open, and to authorise travel to be done thereon without paying any toll therefor for the portion of such road in said county until the same shall be put in good repair, and certificate thereof be made by such persons as said court shall appoint to act as commissioners for the purpose, or until said court shall otherwise order: *Provided*, Such authority shall be exercised by said court only in cases where the road shall be in fact out of repair.

Restriction on
company.

SEC. 13. *Be it further enacted*, That nothing in this act contained shall be so construed as to authorise the said company to use or close up any public road, without the express consent and approbation of the commissioners' court of roads and revenue for the county wherein any such road may be.

When road to
be commenced
and finished.

SEC. 14. *And be it further enacted*, That said company shall commence the building of said road within five years after, and shall complete the same within fifteen years from the passage of this act.

APPROVED, 5 February, 1850.

[No. 153.]

AN ACT

To incorporate the Benton and Greenville Plank Road Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Milton Parmer, Wm. T. Streety, S. J. Bolling, Jas. W. Kelly, James Greenwood and Wm. H. Chambliss, and their associates and successors are hereby declared and constituted a body politic and corporate by the name of "The Benton and Greenville Plank Road Company;" and by that name to sue and be sued, plead and be impleaded, answer and be answered in any court of this state; to make, have and use a common seal, and the same to break, alter and renew at pleasure; and the said company is hereby vested with all powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act hereinafter set forth; and may have and hold real and personal property to all extents necessary and proper for the same; and it shall be the duty of the corporators hereinbefore named to open books free for all persons to subscribe for the stock of said company within thirty days after the passage of this charter, and to require a payment in cash of ten dollars per share at the time of subscribing; and also, to advertise the time and place of receiving subscriptions in one or more public gazettes in the counties of Lowndes and Butler, at least thirty days prior to the opening said books for subscription.

Corporators.

Name and style.

Corporate powers and privileges.

SEC. 2. *Be it further enacted,* That the capital stock of said company shall be ninety thousand dollars, and subscriptions to the same shall be regulated by the parties named in the first section of this act, or a majority of them, as to the time, place, manner and mode of said subscription, and the time and mode of payment, with full power to regulate the whole matter, and to declare forfeitures under certain rules when the stockholders fail to comply and to do all things necessary to insure the punctual payment of the several installments of stock required, as they become due: *Provided,* That any regulation thus adopted shall be general and operate on all alike.

Capital stock.

SEC. 3. *Be it further enacted,* That the capital stock of said company shall be divided into shares of one hundred dollars each, to be assignable and transferrable according to such regulations as said corporation may adopt; and the number of votes to which each stockholder may be entitled on all questions concerning the interest of the

Shall be divided into shares.

company, shall be equal to the number of shares held by him, each share being entitled to one vote.

Route of road. *SEC. 4. Be it further enacted,* That it shall be lawful for, and said company shall have power and authority and is hereby authorised to locate and construct a plank road from Benton, in the county of Lowndes, to Greenville, in the county of Butler: *Provided, however,* That Restriction. said road shall not be so located as to interfere with any dwelling house, or pass through the yard of any dwelling house, without the consent of the owner of the same: *And provided further,* That the said company shall have the right to connect or join the road which may be constructed under this charter with any other public plank road or roads which may be built under authority of any law of this state, and which right shall be reciprocal.

SEC. 5. Be it further enacted, That whenever thirty thousand dollars of the stock of said company shall be subscribed \$30,000 sub- scrib'd comp'ny may organise. for, the said company may be considered as organised, and the stockholders may proceed to elect a board of directors, who shall be owners of stock, to manage the business of said corporation. The said board of directors shall be chosen Board of direc- annually at such time and place as the stockholders may determine; and should the said annual election at any time not be held on the day appointed, it shall be lawful to hold said election on any other day, which election shall be valid to all intents and purposes; and the directors for the time being shall serve until their successors are elected. The said directors shall appoint from their own body a president, and also a secretary or treasurer, and fix their salaries; and shall also have power to employ all such officers, agents, servants or laborers as they may deem necessary for the construction of the proposed road and the transaction of the business of the corporation; and the said directors shall have power to make all such by-laws, rules and ordinances, as to them may appear needful, touching the management of the road to be constructed and the effects of the corporation; a majority of the directors shall form a quorum for the transaction of business.

SEC. 6. Be it further enacted, That said corporation shall have power and authority to acquire by purchase or May acquire right of way. otherwise, a right of way from the owner or owners of land through which the said road may be designed to pass, of sufficient width for the location, construction and accommodation of said road; and also to receive from the commissioners of roads and revenue of the county or counties in which said road may run, the use of any highway or highways

already dedicated to the public use ; and the said commissioners of roads and revenue are hereby authorised and empowered to grant the use of said highway or highways to the said company, when the said commissioners may deem it expedient for the location or construction of said plank road or construction of toll houses: *Provided*, That no public road which said commissioners of roads and revenue deem it expedient to be kept open shall be obstructed thereby ; and the said corporation shall also have the power and authority to receive from the municipal authorities of any town in which said road may terminate, or through which it may run, the use of any street or streets for the location or construction of said road or toll houses ; and the municipal authorities of any such town are hereby authorised and empowered to grant to said company the right over and use of any street or streets in said town in such manner and in such direction as the public convenience may permit.

Powers in constructing road.

SEC. 7. *Be it further enacted*, That if the said company cannot agree with the owner of the lands through which the desired road shall pass, or with the executors, administrators, guardians, or trustees, it shall and may be lawful for the clerk of the circuit court of the county in which said land lies, on the application of said company or its agents, and he is required, to issue a writ of *ad quod damnum*, commanding the sheriff that without delay he cause a jury of six good and lawful men to be upon such land upon a day to be by said sheriff fixed and appointed; and whereof it shall be his duty to give notice to the owners, administrators, executors, guardians or trustees, at least five days before such day, if they be within his county, or if not, or if the owner or owners be unknown, then notice shall be given by advertisement to be by said sheriff posted and fixed at the dwelling house, if such there be, or on a public or conspicuous place, at least five days before such appointed day, and also by advertising the same in some newspaper published nearest the land, at least two weeks by weekly insertions, prior to said day, and then cause said jury, after being duly sworn by said sheriff or by a justice of the peace, to make true inquest of the damages that will be sustained by such owner or estate by reason of making such road through such land. If any such juror shall fail to appear, or by reason of challenge or otherwise shall fail to sit on such inquest, the said sheriff shall fill said jury from the by-standers ; and if they fail to render a verdict, the said sheriff shall again, on the same or a subsequent

Proceedings when company and owners of land can not agree.

day, empannel a new jury or jurors until a verdict be had ; such verdict and inquest, regularly certified by said sheriff, shall be returned to the office of the clerk of the circuit court of the county in which said land may lie, and there remain among the records ; and such verdict shall vest in said company the right to occupy and use such land for the purpose of said plank road, on the payment or tender of payment of the damages thereon assessed against said company ; and in case of persons absent or unknown as aforesaid, the placing of the amount of such damages to the credit of the owner in the hands of the judge of the county court of the county in which said land may lie, shall be deemed and taken as payment ; and such judges shall be liable on their bonds to make due payment of said money on demand ; and it shall be the duty of the sheriff to appoint and hold said inquest within ten days after the receipt of said writ of *ad quod damnum*, except in cases of absence as aforesaid, in which case thirty days shall be allowed him for every additional jury which he may have under said writ ; and every juror and witness summoned shall be fined not less than ten dollars for non-attendance. The circuit court of the county shall have jurisdiction of all such fines, as well as costs. There shall be allowed the following fees : to the clerk of the circuit court, for every writ of *ad quod damnum*, seventy-five cents ; for receiving and filing inquests, seventy-five cents ; to the sheriff, for giving notice, seventy-five cents, besides printers' fees ; for holding inquest, five dollars ; and for summoning witnesses, twenty-five cents each ; to jurors, seventy cents per diem each ; which fees are not allowed until a verdict be rendered and filed, and shall be taxed in the bill of costs and paid by said company.

May collect toll. **SEC. 8.** *Be it further enacted,* That the said company is vested with the right and power of demanding and exercising such toll as may be fixed by said company for the transit of persons or property upon said road ; for which purpose a rate of tolls shall be established and published at each toll gate on said road for the information of the public ; though it shall not be lawful to charge a greater amount of toll on the articles and animals hereinafter enumerated than the rates hereinafter stipulated : for each horse or mule not in harness, one cent per mile per head ; for each one horse private pleasure carriage, two and a half cents per mile ; for each two horse private pleasure carriage, three and a half cents per mile ; for each loaded cart, drawn by one animal, one and a quarter cents per mile ; for each loaded road wagon, drawn by two animals, three cents per mile ;

Rates.

for all loaded wagons with a greater number of animals than two, one and a half cents per mile for each additional head; empty wagons and carts shall be entitled to a reduction of twenty-five per cent. from the foregoing rates; when any cart or wagon is loaded beyond two thousand pounds to the animal, thirty-three and a third per cent. may be charged upon the foregoing rates.

SEC. 9. *Be it further enacted*, That no other plank road for public use shall be constructed within fifteen years after the completion of said road to run from or near Benton to or near Greenville, nor any in a parallel direction that shall be at a point half way between Benton and Greenville, less than six miles distant from the road herein contemplated: *Provided, however*, That the following persons shall be exempt from the payment of toll for passing over said road at the gates of said company: 1st. Persons going to or from religious meetings, where the distance does not exceed three miles: 2d. All persons going to or from any funeral, and all funeral processions: 3d. Persons going to any election of a public nature, at which they are entitled to vote, for the purpose of voting and returning therefrom the same day, provided the distance does not exceed three miles: 4th. All persons living on said road within three miles of any gate, and who do not live in an incorporated town, shall be permitted to pass the said gate at one half the usual rates of toll, except farmers going to or returning from their work on their farms, who shall go free, when not employed in the transportation of persons, or property of other persons: 5th. Troops in the actual service of this state or of the United States.

Rights vested in company for 15 years.

Persons exempt from pay'g tolls.

SEC. 10. *Be it further enacted*, That any person falsely representing himself or herself, to any toll gatherer as entitled to any of the exemptions mentioned in the preceding section of this act, shall forfeit to the company the sum of ten dollars, to be recovered in the corporate name of the company before any justice of the peace of the State of Alabama.

Penalty for imposition in passing gates.

SEC. 11. *Be it further enacted*, That said company shall commence the said road within five years, and complete the same within fifteen years from the passage of this act.

When to be commenced and completed.

SEC. 12. *And be it further enacted*, That nothing in this act contained shall be so construed as to confer upon said company any banking privileges.

Restriction.

APPROVED, 11 February, 1850.

[No. 154.]

AN ACT

To incorporate the Central Plank Road Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Aaron Ready, Albert J. Horton, James Trimble, Benjamin Trimble, John G. Graham, Seth P. Storrs, David C. Neal, Levi W. Lawler, Richard S. Perrse, Francis W. Brooks, Wm. C. Cooper, and Wm. T. Hatchett, be and they are hereby appointed commissioners, any five of whom shall have authority to open books for receiving subscriptions for the capital stock of said company, at such times and places as they may deem expedient, after giving at least twenty days notice in some newspaper published or having circulation in the counties where books of subscription are to be opened, at which times and places two or more of said commissioners shall attend and permit all persons who may desire to subscribe for stock in sums of one hundred dollars for each share; and every person who subscribes for stock shall at the time of subscribing pay to the attending commissioners ten dollars on each share subscribed for.

Commissioners
to open books
for subscribers
of stock.

SEC. 2. *Be it further enacted,* That whenever fifty thousand dollars shall have been subscribed, the said commissioners, or any five of them, shall give notice, as provided in the first section of this act, of the time and place by them appointed for convening the said subscribers, at which time and place the subscribers may proceed to elect by ballot seven directors, one of whom may be by the directors chosen president; and upon the happening of said election, said subscribers shall be and are hereby declared to be a body politic and corporate in deed and in law, by the name and style of the Central Plank Road Company, and by that name they, their successors and assigns, shall have power and enjoy all privileges and franchises incident to a corporation, and shall be capable of taking and holding the capital stock and the increase thereof, and of enlarging the same by new subscriptions in such manner and form as they may think proper, not to exceed one million of dollars, and of purchasing, taking and holding, to them, their successors and assigns, and of selling, leasing and conveying in fee simple, or for any less estate, any and all such lands, tenements and hereditaments and estate or interest in any thing whatsoever, real or personal or of whatever kind or character it may be; said corporation may sue and be sued, contract and be contracted with, pass all by laws deemed necessary

\$50,000 of stock
subscribed notice
shall be given
of a meeting
for organizing
the co.

Corporate name
and style and
powers.

for its proper management and control ; have and use a seal, and do all other matters or things which a corporation or body politic may do. At all elections each shareholder shall be entitled to one vote for each share owned by him, her or them ; but no one shall vote who has not paid all that has been required on the stock owned or held by him, her or them. After the first election said corporation may create any additional number of directors. The president and directors shall be authorised and required to prescribe the form of certificates for stock and the mode and manner of issuing and transferring the same.

SEC. 3. *Be it further enacted*, That said plank road shall commence at Wetumpka on the Coosa river, and be constructed and laid to Gunter's Landing or such other eligible points or places on the Tennessee river as may be selected so as to create a continuous road and connection between the navigable waters of the bay of Mobile and the Tennessee river, and may also construct other plank roads running to the country lying northwardly and above Wetumpka. Route of road.

SEC. 4. *Be it further enacted*, That any individual or association may establish branch plank roads running into and connecting with said Central plank road, which branches may be governed by the respective stockholders thereof ; and said stockholders for building branches to said Central plank road may become and hereby are incorporated under the provisions of this act : *Provided*, Nothing shall be so construed as to restrict the sole right to the Central plank road company in the constructing, continuing and keeping up the connection by plank road between the waters of the Mobile bay and the Coosa river at Wetumpka and the Tennessee river. Branch roads may be established.

SEC. 5. *Be it further enacted*, That said Central plank road company shall be invested with all the rights and powers necessary or required for the proper construction, continuation and keeping up said Central plank road and appendages on the line of said road. When the road is to be run over the land of any one owning or controlling the same, or it is desired to use the materials therefrom, such owner or controller of such land or material, whether as executor, administrator, guardian, trustee, commissioner, or in any other fiduciary capacity, may contract for the sale of such land or material, or right of way over the land, for the purpose aforesaid, with the president and directors of said company, who are hereby authorised to take a conveyance for the same in the name of said corporation. Powers of company. May acquire right of way.

Proceedings
when company
and owners of
land can not
agree.

SEC. 6. *Be it further enacted*, That if the said president and directors cannot agree with the owner or person controlling said land or material over which it is desired to run such road, it is hereby made the duty of the clerk of the circuit court of the county in which such land or material is situated, upon application being made to him, by said president and directors, to issue a writ of *ad quod damnum* directed to the sheriff, commanding him forthwith to summon a jury of five resident freeholders of the county, to assess the damage to ensue from the establishment of said road or use of material; and such jury, before examining the premises, shall take an oath to be administered by any officer authorised to administer oaths, that they will enquire into and to the best of their judgment assess the damage accruing to the owner of such land or material, in the same manner that damages are assessed for other roads, and shall award the damages accordingly; and said jury shall to the best of their ability describe the estate so assessed, all of which the sheriff shall return to said clerk with his proper endorsement thereon. The same cost shall be allowed the jurors, sheriff and clerks, as are usual in *ad quod damnum* cases as provided by law; and when payment of an equivalent for damage has been previously tendered by said president and directors to the owner or person controlling such lands and materials, if the damage assessed by the jury as aforesaid does not exceed the amount so tendered, said owner or person controlling said lands or materials shall pay the cost of said writ and proceedings thereon; and the jury shall so inquire and return their verdict and award; upon the return of said award and verdict it shall be the duty of the judge of the circuit court of the said county at the next term after said return, to enter a judgment upon the minutes of said court corresponding to such verdict and award, which judgment shall have the same lien and execution may issue thereon in the same manner as other judgments legally rendered in said courts, which verdict and judgment shall vest in said corporation all the rights and privileges which may be necessary for the construction and maintaining of said plank road, without let or hindrance: *Provided*, No part of this act shall authorise the taking or using any property by said corporation, unless the same be previously paid for or adequate security given for the payment thereof.

Powers of stockholders.

SEC. 7. *Be it further enacted*, That the stockholders may regulate the time, place and mode for electing directors, creating officers, prescribing their duty and compensa-

tion, and for fully organising the board of directors. The Of directors.
 president and directors may prescribe the amount of each
 installment to be paid on the stock subscribed ; may direct-
 the time and place of payment. If any stockholder shall
 fail to pay the installment as required on his, her or their
 stock, the president and directors may, upon giving thirty
 days' notice, declare the stock held by such defaulting
 stockholder forfeited to said corporation, and upon such
 declaration being entered on the records of the corporation
 at a meeting of a majority of the board of directors, the
 said stock shall enure to and become the property of said
 corporation.

SEC. 8. *Be it further enacted*, That said president and
 directors shall have authority to erect bridges over all Gen'l power in
 streams of water where they desire to construct said plank construction of
 road or branches, provided the navigation of such water road.
 course is not thereby obstructed ; may charge reasonable
 toll for persons passing thereon, for themselves or their
 property ; and said president and directors may with said
 plank road cross other public roads or highways, but not
 obstruct or use the same except by leave of the courts of
 roads and revenue of the county where such road passes ;
 and all such courts are hereby empowered and authorised
 to grant such leave and make and enter an order of the same
 on the minutes of said court ; and the said president and di-
 rectors shall have power to receive from the municipal
 authorities of any incorporated city or town in or through
 which said plank road may run, the use of any street or
 streets, any lot or lots, or any other portion of said cities or
 towns deemed necessary for the proper location of any road
 or branches of said plank road ; and said municipal author-
 ities are hereby empowered to grant the same, with such
 other privileges as said president and directors may require.

SEC. 9. *Be it further enacted*, That after three miles or
 more of said plank road shall have been completed, it may Toll may be
 be lawful for said president and directors to agree upon and levied.
 fix the rate of toll to be collected and received of any per-
 son or persons who may travel on or use said road ; *Provi-*
ded, No toll shall be demanded from any person at the gate Proviso.
 nearest his or her residence for passing from any one part of Who exempt
 his or her farm or plantation to any other part of the same, or f'm paying toll.
 from any person going to or from funerals, or regular places
 of religious worship, or militia musters, when the person is
 required to do military duty, or elections where the person
 is authorised to vote, or any person travelling on foot, or
 any person going to or from a grist mill frequented by him

for grinding grain for family use, or to or from a blacksmith's shop where he usually resorts for work to be done, or any person going for a physician or returning therefrom, or any one residing within one mile of the gate at which toll is demanded.

Gates may be erected. SEC. 10. *And be it further enacted,* That the president and directors may cause to be erected upon said plank road suitable gates for the detention, of persons passing thereon until the toll required has been paid; may cause to be erected such dwellings and establishments for toll gatherers as may be required.

Penalty for avoiding payment of toll. SEC. 11. *Be it further enacted,* That if any person, who, to avoid the payment of toll, shall turn off from said road or pass any gate thereon, or ground adjacent thereto, and again go on said road to continue his or her route thereon, shall, for each offence, forfeit the sum of five dollars to said plank road company; and any person who shall willfully break or throw down any gate or injure the same, on said road, dig up, injure or deface said road, or any thing thereto pertaining, or forcibly or fraudulently pass any gate without having paid the toll required, for each offence shall forfeit to said Central plank road company the sum of twenty dollars, and be subject also to a suit for the damage resulting from such wrongful act; and any person so offending, as provided in this act, shall be liable to suit for such forfeiture or damage and each of them, before any court in this state having jurisdiction of the amount sued for, without regard to the residence of the offender.

Stock declared personal property. SEC. 12. *Be it further enacted,* That the stock or shares held or owned by any person or persons in said Central plank road company, or any branches thereof, shall be deemed and considered as personal property, and in case of the death of any shareholder, his or her interest may be sold by his or her personal representatives, in the same manner as the personal estate of deceased persons may be sold by the laws of this state.

Property of co. may be taxed. SEC. 13. *Be it further enacted,* That the property owned by said Central plank road company and branches may be taxed by the state only, in the same manner and to the same extent as similar property owned by private citizens and no more.

APPROVED, 30 January, 1850.

[No. 155.]

AN ACT

To incorporate the Hayneville and Montgomery Plank Road Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That George W. Stone, Thaddeus Mather, Morgan Smith, Thomas J. Dillehay, Thomas S. Mays, Thomas H. Watts, and Abram Martin, and their associates and successors, are hereby declared and constituted a body politic and corporate by the name of "The Hayneville and Montgomery Plank Road Company," and by that name to sue and be sued, plead and be impleaded, answer and be answered in any court of this state; to make, have and use a common seal and the same to break, alter or renew at pleasure. And the said company is hereby vested with all powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act hereinafter set forth; and may have and hold real and personal property to all extent necessary and proper for the same. And it shall be the duty of the corporators hereinafter named to open books free for all persons to subscribe for the stock of the said company, within ninety days after the passage of this charter, and to require a payment in cash of ten dollars per share at the time of subscribing; and also to advertise the time and place of receiving subscriptions in one or more public gazettes in the county of Lowndes and in the city of Montgomery, at least ten days prior to the opening said books for subscription.

Corporators.

Name and style

Corporate powers.

SEC. 2. *Be it further enacted,* That the capital stock of said company shall be seventy thousand dollars, and subscriptions to the same shall be regulated by the parties named in the first section of this act or a majority of them, as to the time, place, manner and mode of said subscription and the time and mode of payment, with full power to regulate the whole matter and to declare forfeitures under certain rules when stockholders fail to comply; and to do all things necessary to insure the punctual payment of the several instalments of stock required, as they become due: *Provided,* That any regulation thus adopted shall be general and operate on all alike.

Capital stock.

SEC. 3. *Be it further enacted,* That the capital stock of said company shall be divided into shares of one hundred dollars each, to be assignable and transferrable, according to such regulations as said corporation may adopt; and the

Divided into shares of \$100 each.

number of votes each stockholder may be entitled to, on all questions concerning the interest of the company, shall be equal to the number of shares held by him, each share being entitled to one vote.

SEC. 4. *Be it further enacted*, That it shall be lawful for and said company shall have power and authority and is hereby authorised to locate and construct a plank road from Hayneville to the city of Montgomery: *Provided*, however, That said road shall not be so located as to interfere with any dwelling house, or pass through the yard of any dwelling house, without the consent of the owner of the same: *And provided further*, That the said company shall have the right to connect or join the road which may be constructed under this charter with any other public plank road or roads which may be built under authority of any law of this state, and which right shall be reciprocal.

SEC. 5. *Be it further enacted*, That whenever twenty-five thousand dollars of the stock of said company shall be subscribed for, the said company may be considered as organised, and the stockholders may proceed to elect a board of directors, who shall be owners of stock, to manage the business of said corporation. The said board of directors shall be chosen annually, at such time and place as the stockholders may determine; and should the said annual election at any time not be held on the day appointed, it shall be lawful to hold said election on any other day; which election shall be valid to all intents and purposes; and the directors for the time being shall serve until their successors are elected. The said directors shall appoint from their own body a president and also a secretary or treasurer, and fix their salaries; and shall also have power to employ all such officers, agents, servants or laborers as they may deem necessary for the construction of the proposed road and the transaction of the business of the corporation; and the said directors shall have power to make all such by-laws, rules and ordinances as to them may appear needful, touching the management of the road to be constructed and the effects of the corporation. A majority of the directors shall form a quorum for the transaction of business.

SEC. 6. *Be it further enacted*, That said corporation shall have power and authority to acquire, by purchase or otherwise, a right of way from the owner or owners of land through which the said road may be designed to pass, of sufficient width for the location, construction and accommodation of said road; and also to receive from the com-

missioners of roads and revenue of the county or counties in which said road may run, the use of any highway or highways already dedicated to the public use; and the said commissioners of roads and revenue are hereby authorised and empowered to grant the use of said highway or highways to the said company when the said commissioners may deem it expedient for the location or construction of said plank road, or construction of toll houses: *Provided*, That no public road which said commissioners of roads and revenue deem it expedient to be kept open shall be obstructed thereby. And the said corporation shall also have the power and authority to receive from the municipal authorities of any city or town in which said road may terminate, or through which it may run, the use of any street or streets, for the location or construction of said road or toll houses; and the municipal authorities of any such city or town are hereby authorised and empowered to grant to said company the right over and use of any street or streets in said city or town, in such manner and in such direction as the public convenience may permit.

Powers in constructing road.

SEC. 7. *Be it further enacted*, That if the said company cannot agree with the owner of the land through which the desired road shall pass, or with the executors, administrators, guardians or trustees, it shall and may be lawful for the clerk of the circuit court of the county in which said land lies, on the application of said company, or its agents, and he is required to issue a writ of *ad quod damnum*, commanding the sheriff that without delay he cause a jury of six good and lawful men to be upon such land upon a day to be by said sheriff fixed and appointed, and whereof it shall be his duty to give notice to the owners, executors, administrators, guardians or trustees, at least five days before such day, if they be within his county, or if not, or if the owner or owners be unknown, then notice shall be given by advertisement, to be by said sheriff posted and fixed at the dwelling house, if such there be, or a public or conspicuous place, at least five days before such appointed day, and also by advertising the same in some newspaper published nearest the land, at least four weeks by weekly insertions prior to said day, and then cause said jury, after being duly sworn by said sheriff or by a justice of the peace, to make true inquest of the damages that will be sustained by such owner or estate by reason of making such road through such land. If any such juror shall fail to appear or by reason of challenge or otherwise, shall fail to sit on such inquest, the said sheriff shall fill said jury

Proceedings when company and owners of land can't agree

from the bystanders, and if they fail to render a verdict, the said sheriff shall again, on the same or a subsequent day, empanel a new jury or jurors, until a verdict be had; such verdict and inquest, regularly certified by said sheriff, shall be returned to the office of the clerk of the circuit court of the county in which said land lies, and there remain among the records; and such verdict shall vest in said company the right to occupy and use such land for the purpose of said plank road, on the payment or tender of payment of the damages thereon assessed against said company; and in case of persons absent or unknown as aforesaid, the placing of the amount of such damages to the credit of the owner, in the hands of the judge of the county court of the county in which such land may lie, shall be deemed as taken as payment; and such judges shall be liable on their bonds to make due payment of said money on demand; and it shall be the duty of the sheriff to appoint and hold said inquest within ten days after the receipt of said writ of *ad quod damnum*, except in cases of absence, as aforesaid, in which case thirty days shall be allowed him for every additional jury which he may have under said writ; and every juror and witness summoned shall be fined not less than ten dollars for non-attendance. The circuit court of the county shall have jurisdiction of all such fines, as well as costs. There shall be allowed the following fees: to the clerk of the circuit court, for every writ of *ad quod damnum*, seventy-five cents; for receiving and filing inquests, seventy-five cents; to the sheriff, for giving notice, seventy-five cents, besides printers' fees; for holding inquests, five dollars, and for summoning witnesses, twenty-five cents each; to jurors, seventy-five cents per diem each; which fees are not allowed until a verdict be rendered and filed, and shall be taxed in the bill of costs and paid by said company: *Provided, however*, That before the application for said writs the said company may make a tender to the owner or owners of any such land of a sum of money by said company deemed equivalent to the damages to be sustained, and upon refusal to accept the sum tendered and a verdict for the same amount or a less sum, the costs shall be taxed to and paid by the owner of the land upon which the inquest is held.

SEC. 8. *Be it further enacted*, That the said company ^{May demand} is vested with the right and power of demanding and ^{toll.} exacting such toll as may be fixed by said company for the transit of persons or property upon said road; for which purpose a rate of tolls shall be established and published at

each toll gate on said road for the information of the public, though it shall not be lawful to charge a greater amount of toll on the articles and animals hereinafter enumerated than the rates hereinafter stipulated, to wit: For each horse or mule, not in harness, one cent per mile; for each one horse private pleasure carriage, two and a half cents per mile; for each two horse private pleasure carriage, three and a half cents per mile; for each loaded cart, drawn by one animal, one and a quarter cents per mile; for each loaded road wagon, drawn by two animals, three cents per mile; for all loaded wagons, with a greater number of animals than two, one and a half cents per mile for each additional head; empty wagons and carts shall be entitled to a reduction of twenty-five per cent. from the foregoing rates; when any cart or wagon is loaded beyond two thousand pounds to the animal, thirty-three and a third per cent. may be charged upon the foregoing rates.

Rates.

SEC. 9. *Be it further enacted*, That no other plank road for public use shall be constructed within fifteen years after the completion of said road to run from or near Hayneville to or near Montgomery, nor any in a parallel direction that shall be at a point half way between Hayneville and Montgomery, less than six miles distant from the road herein contemplated: *Provided, however*, That the following persons shall be exempt from the payment of toll for passing over said road at the gates of said company: 1st. Persons going to or from religious meetings, when the distance does not exceed three miles. 2d. All persons going to or from any funeral, and all funeral processions. 3d. Persons going to any elections of a public nature, at which they are entitled to vote, for the purpose of voting, and returning therefrom the same day, provided the distance does not exceed three miles. 4th. All persons living on said road within three miles of any gate, and who do not live in an incorporated town, shall be permitted to pass the said gate at one-half the usual rates of toll; except farmers going to or returning from their work on their farms, who shall go free when not employed in the transportation of persons, or property of other persons. 5th. Troops, in the actual service of this state or of the United States.

Right vested in company for fifteen years.

Persons exempt from paying toll

SEC. 10. *And be it further enacted*, That any person falsely representing himself or herself to any toll-gatherer as entitled to any of the exemptions mentioned in the preceding section of this act, shall forfeit to the company the sum of ten dollars, to be recovered in the corporate name

Penalty for imposition under 9th section.

of the company before any justice of the peace of the state of Alabama.

APPROVED, 31 January, 1850.

[No. 156.]

AN ACT

To incorporate the Benton and Hayneville Plank Road Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That James Greenwood; Jones Gunn, Wm. H. Chambliss, Josiah Blackman, Thos. J. Judge, Jno. M. Cole and Benj. Harrison, and their associates and successors are hereby declared and constituted a body politic and corporate by the name of "The Benton and Hayneville Plank Road Company;" and by that name to sue and be sued, plead and be impleaded, answer and be answered, in any court of this state; to make, have and use a common seal, and the same to break, alter and renew at pleasure; and the said company is hereby vested with all powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act hereinafter set forth; and may have and hold real and personal property to all extents necessary and proper for the same; and it shall be the duty of the corporators hereinbefore named, to open books free for all persons to subscribe for the stock of said company, within ninety days after the passage of this charter, and to require a payment in cash of ten dollars per share at the time of subscribing; and also to advertise the time and place of receiving subscriptions in one or more public gazettes in the county of Lowndes, at least thirty days prior to the opening of said books for subscription.

SEC. 2. *And be it further enacted,* That the capital stock of said company shall be fifty thousand dollars, and subscriptions to the same shall be regulated by the parties named in the first section of this act, or a majority of them, as to the time, place, manner, and mode of said subscription, and the time and mode of payment, with full power to regulate the whole matter, and to declare forfeitures under certain rules when stockholders fail to comply, and to do all things necessary to insure the punctual payment of the several installments of stock required, as they may become due: *Provided,* That any regulation thus adopted shall be general and operate on all alike.

SEC. 3. *And be it further enacted,* That the capital stock of said company shall be divided into shares of one hundred dollars each, to be assignable and transferrable according to such regulations as said corporation may adopt; and the number of votes to which each stockholder may be entitled on all questions concerning the interest of said company, shall be equal to the number of shares held by him, each share being entitled to one vote. Shall be divided into shares,

SEC. 4. *And be it further enacted,* That it shall be lawful for, and said company shall have power and authority, and is hereby authorised to locate and construct a plank road from Benton to Hayneville: *Provided, however,* Powers in constructing road. That said road shall not be so located as to interfere with any dwelling house, or pass through the yard of any dwelling house, without the consent of the owner of the same: *And provided further,* Proviso. That the said company shall have the right to connect or join the road which may be constructed under this charter with any other public plank road or roads which may be built under authority of any law of this state, and which right shall be reciprocal. Proviso.

SEC. 5. *And be it further enacted,* That whenever twenty thousand dollars of the stock of said company shall be subscribed for, the said company may be considered as organised, and the stockholders may proceed to elect a board of directors, who shall be owners of stock, to manage the business of said corporation; the said board of directors shall be chosen annually, at such time and place as the stockholders may determine; and should the said annual election at any time not be held on the day appointed, it shall be lawful to hold said election on any other day, which election shall be valid to all intents and purposes, and the directors for the time being shall serve until their successors are elected. The said directors shall appoint from their own body a president, and also a secretary or treasurer, and fix their salaries, and shall also have power to employ all such officers, agents, servants, or laborers, as they may deem necessary for the construction of the proposed road and the transaction of the business of the corporation; and the said directors shall have power to make all such by-laws, rules and ordinances, as to them may appear needful, touching the management of the road to be constructed and the effects of the corporation; a majority of the directors shall form a quorum for the transaction of business. \$20,000 subscribed comp'y may organise.

SEC. 6. *And be it further enacted,* That said corporation shall have power and authority to acquire, by purchase or otherwise, a right of way from the owner or owners of land

General powers
in acquiring
right of way
and construct-
ing road.

through which the said road may be designed to pass, of sufficient width for the location, construction, and accommodation of said road, and also to receive from the commissioners of roads and revenue of the county or counties in which said road may run, the use of any highway or highways already dedicated to the public use; and the said commissioners of roads and revenue are hereby authorised and empowered to grant the use of said highway or highways to the said company when the said commissioners may deem it expedient for the location or construction of said plank road or construction of toll houses: *Provided*, That no public road which said commissioners of roads and revenue deem it expedient to be kept open shall be obstructed thereby; and the said corporation shall also have the power and authority to receive from the municipal authorities of any town in which said road may terminate or through which it may run, the use of any street or streets for the location or construction of said road or toll houses; and the municipal authorities of any such town are hereby authorised and empowered to grant to said company the right over and use of any street or streets in said town, in such manner and in such direction as the public convenience may permit.

Proceedings
when company
and owners of
land cannot a-
gree.

SEC. 7. *Be it further enacted*, That if the said company cannot agree with the owner of the land through which the desired road shall pass, or with the executors, administrators, guardian or trustee, it shall and may be lawful for the clerk of the circuit court of the county in which said land lies, on the application of said company or its agents, and he is required to issue a writ of *ad quod damnum*, commanding the sheriff that without delay he cause a jury of six good and lawful men to be upon such land upon a day to be by said sheriff fixed and appointed, and whereof it shall be his duty to give notice to the owners, administrators, executors, guardians, or trustees, at least five days before such day, if they be within his county, or if not, or if the owner or owners be unknown, then notice shall be given by advertisement to be by said sheriff posted and fixed at the dwelling house, if such there be, or on a public or conspicuous place, at least five days before such appointed day, and also by advertising the same in some newspaper published nearest the land, and at least two weeks by weekly insertions prior to said day, and then cause said jury after being duly sworn by said sheriff or by a justice of the peace to make true inquest of the damages that will be sustained by such owner or estate by reason of making such road through

such land. If any such juror shall fail to appear, or by reason of challenge or otherwise shall fail to sit on such inquest, the said sheriff shall fill said jury from the by-standers; and if they fail to render a verdict, the said sheriff shall again on the same or a subsequent day empanel a new jury or jurors until a verdict be had; such verdict and inquest, regularly certified by said sheriff, shall be returned to the office of the clerk of the circuit court of the county in which said land may lie, and there remain among the records; and such verdict shall vest in said company the right to occupy and use such land for the purpose of said plank road on the payment or tender of payment of the damages thereon assessed against said company, and in case of persons absent or unknown as aforesaid, the placing of the amount of such damages to the credit of the owner in the hands of the judge of the county court of the county in which such land may lie, shall be deemed and taken as payment; and such judges shall be liable on their bonds to make due payment of said money on demand; and it shall be the duty of the sheriff to appoint and hold said inquest within ten days after the receipt of said writ of *ad quod damnum*, except in cases of absence as aforesaid, in which case thirty days shall be allowed him for every additional jury which he may have under said writ; and every juror and witness summoned shall be fined not less than ten dollars for non-attendance. The circuit court of the county shall have jurisdiction of all such fines as well as costs. There shall be allowed the following fees: To the clerk of the circuit court, for every writ of *ad quod damnum*, seventy-five cents; for receiving and filing inquests, seventy-five cents; to the sheriff, for giving notice, seventy-five cents, besides printers' fees; for holding inquests, five dollars; and for summoning witnesses, twenty-five cents each; to jurors, seventy cents per diem each; which fees are not allowed until a verdict be rendered and filed, and shall be taxed in the bill of costs and paid by said company.

SEC. 8. *And be it further enacted*, That the said company is vested with the right and power of demanding and exacting such toll as may be fixed by said company for the transit of persons or property upon said road; for which purpose a rate of tolls shall be established and published at each toll gate on said road for the information of the public, though it shall not be lawful to charge a greater amount of toll on the articles and animals hereinafter enumerated than the rates hereinafter stipulated: For each horse or mule not in harness, one cent per mile per head; for each

May collect toll

Rates

one horse private pleasure carriage, two and a half cents per mile; for each two horse private pleasure carriage, three and a half cents per mile; for each loaded cart drawn by one animal, one cent and a quarter per mile; for each loaded road wagon drawn by two animals, three cents per mile; for all loaded wagons with a greater number of animals than two, one and a half cents per mile for each additional head; empty wagons and carts shall be entitled to a reduction of twenty-five per cent. from the foregoing rates.

SEC. 9. And be it further enacted, That no other plank road for public use shall be constructed within fifteen years after the completion of the said road to run from or near Benton to or near Hayneville, nor in a parallel direction that shall be at a point half way between Benton and Hayneville, less than six miles distant from the road herein contemplated: *Provided, however,* That the following persons shall be exempt from the payment of toll for passing over said road at the gates of said company: 1st. Persons going to or from religious meetings where the distance does not exceed three miles: 2d. All persons going to or from any funeral, and all funeral processions: 3d. Persons going to any elections of a public nature at which they are entitled to vote for the purpose of voting, and returning therefrom the same day, provided the distance does not exceed three miles: 4th. All persons living on said road within three miles of any gate and who do not live in an incorporated town shall be permitted to pass the said gate at one-half the usual rates of toll, except farmers going to or returning from their work on their farms, who shall go free when not employed in the transportation of persons, or property of other persons: 5th. Troops in the actual service of this state or of the United States.

APPROVED, 12 February, 1850.

[No. 157.]

AN ACT

To incorporate the Chickasaw and Russelville Macadamised Road Company.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That J. W. Townsend, John E. Lewler, James W. Francis, J. W. Thorn, P. B. Hackett, be and they are hereby appointed commissioners to open books for the purpose of receiving subscriptions to the amount of two hundred thousand dollars, to be applied to the construction of an arti-

ficial turnpike road, on the macadamised plan, from the town of Chickasaw, on the Tennessee river at the foot of the Colbert shoals, in Franklin county, in this state, to the town of Russellville, in said county of Franklin, said road to be constructed over the nearest and best route from Chickasaw to Russellville, and to pass by or near the centre of said county; the laying out and reviewing said road to be under the supervision of the commissioners' court of roads and revenue of the county of Franklin; which said sum of two hundred thousand dollars shall be divided into shares of one hundred dollars each, and the subscription shall be in person or by attorney; and so soon as the sum of sixty thousand dollars shall be subscribed, it shall be the duty of the commissioners to call a meeting of the subscribers in the town of Chickasaw, by giving twenty days' public notice by publication in some newspaper published in the county of Franklin, of said meeting, and the said subscribers, from and after the first meeting shall be and they are hereby constituted a body politic and corporate, under the name and style of the Chickasaw and Russellville Macadamised Road Company, and as such shall continue for the term of twenty-five years; and as such may sue and be sued, plead and be impleaded, answer and be answered, sell, purchase and transfer, and have a common seal; the subscribers or a majority of them who shall be present at the first meeting of the said subscribers, shall elect nine directors, being shareholders, who shall elect one of their body president of the board of directors; and the president and directors then chosen shall continue in office one year, and until another election shall take place; the president and directors then chosen shall have power to receive subscriptions for the residue of the said sum of two hundred thousand dollars, until the whole sum shall be subscribed for; and to make contracts with any person for the construction of said road, and for performing such other work thereon as they may deem proper and necessary; and to require from time to time of the stockholders such advances on the respective shares as the wants of said company may require and demand, until the whole subscription shall be paid: *Provided*, That no call shall be made for more twenty dollars at any one time on each share, of which thirty days' notice shall be given by publication in some newspaper published in the county of Franklin; said directors shall have power upon all emergencies to call a general meeting of the subscribers, giving thirty days' notice in some newspaper published in the county of Franklin; and it shall be their duty to call such general meetings of the subscribers under such regulations

Route of road.

By whom laid out.

Shares of capital stock.

Comm'rs shall call a meeting of stockholders.

Corporate name and style.

Gener'l powers

Payment of stock.

aforesaid, whenever a majority of the stockholders shall require it. They are hereby empowered to appoint a treasurer, clerk and such other officers as may be necessary to sign and settle all accounts, and to transact all business of the said company during the intervals between the general meetings.

On failure to pay stock subscribed, directors may proceed to sell.

SEC. 2. *Be it further enacted,* That if any subscriber shall fail to pay the amount called in by the directors within thirty days after the same shall have been required by the advertisement aforesaid, it shall be lawful for the president and directors to sell at auction and convey to the purchaser, the share or shares of such subscriber thus failing or refusing to pay; and after retaining the sum due with costs of sale, to pay over the surplus to the former owner of such share or shares; and if the sale shall not produce the sum to be advanced with interest and incidental charges, in that case it shall be lawful for the company to recover the balance of the original proprietor, on motion before the county or circuit court where such delinquent resides, ten days' previous notice being given of said motion, or by warrant before any magistrate, when the sum does not exceed fifty dollars, upon giving the notice aforesaid. And all persons purchasing under the sale of the president and directors, shall be subject to the same rules and regulations, restrictions and penalties, as the original stockholders.

Transaction of business by the board.

SEC. 3. *Be it further enacted,* That the president and directors or any five of them shall be sufficient to transact ordinary business; and all vacancies which shall happen in the office of president and directors between the regular meetings of the shareholders, may be filled by the directors, two-thirds of the whole number being present. The clerk shall keep a regular journal of all the proceedings had and motions made at the several meetings; and each director shall be at liberty to call for the yeas and nays upon any question; and it shall moreover be the duty of the president and directors to furnish printed certificates stating the number of shares held by each subscriber: which certificate shall be transferrable by deed, which shall be recorded in a book kept by said company, acknowledged by the vendor or proven by two witnesses before the said clerk, which transfer thus recorded shall to all intents and purposes constitute the assignee a member of said company, subject to all the rules and regulations thereof.

Annual election of directors.

SEC. 4. *Be it further enacted,* That an election for directors of said company shall be annually held in the town of Chickasaw, on the same day of the same month on which the first election was held, unless the same be on

Sunday, and then on the day following; and at each election, including the first, the shareholders present or by proxy, by plurality of votes shall elect by ballot said directors; and if said election should not take place on that day, it shall be held in the same manner and with like effect on some early day to be appointed by the president and directors then in office, of which thirty days' notice shall be given in a newspaper published in the said county of Franklin; and to constitute any such annual meetings of the company, the presence of a majority of the shareholders in person or by proxy shall be necessary; in counting votes each member shall be allowed one vote for each share as far as ten shares and one vote for every five shares above ten held by him in the company at the time; and the directors shall render fair and distinct accounts of their proceedings, and of all disbursements of money, to each annual meeting of the subscribers, previous to the election of directors by said meeting for the ensuing year.

SEC. 5. *Be it further enacted*, That the commissioners' court of roads and revenue of Franklin county shall have the power to lay out said road; the whole width of said road shall not be less than thirty feet, and the graded part thereof not less than twenty feet in width when the ground will admit of it; and the macadamised part thereof shall be covered with good pounded rock not less than nine inches thick and not less than ten nor more than fifteen feet wide, and the elevation of the grade of said road shall not exceed five degrees; all the culverts and bridges on said road shall be of stone, the bridges to be secured by substantial railing on the sides.

Powers of commissioners' court of Franklin co.

SEC. 6. *Be it further enacted*, That as soon as the president and directors shall have completed said road five miles from the said town of Chickasaw, they shall give notice thereof to the judge of the county court, who shall thereupon appoint three discreet freeholders not interested in said road, to view the same and to report to him in writing whether said road is completed in a workmanlike manner according to the requisitions of this act; and if they or a majority of them report in the affirmative, it shall be the duty of said judge to issue a license under the seal of said county to said president and directors and their successors in office, to erect one toll gate and to collect toll as is authorised by this act; but said toll gate shall not be erected nearer than two miles from the town of Chickasaw; and upon the completion in like manner of each and every other five miles of said road, the same proceedings shall be had as are herein provided in relation to the first five miles of said road, and it shall be the duty of the said

Five miles of road completed, toll may be collected.

Restriction.

judge of the said county court to issue a license under the seal of said county to said president and directors and their successors in office, to erect one toll gate for each and every five miles of said road which shall be completed as aforesaid, and to collect toll at each of said gates, as is authorised by this act; and no toll gate shall be erected nearer than two miles of the town of Russelville.

Annual inspection of road shall be made.

SEC. 7. *Be it further enacted*, That it shall be the duty of the judge of the county court of Franklin county and the commissioners of roads and revenue thereof, annually to appoint three inspectors of said road, authorised by this act, whose duty it shall be, upon complaint of any two freeholders in writing that said road is out of repair, to inspect the same, and if they find the complaint just they shall give notice in writing of such defect to the gate keepers, or may order any gate to be opened at discretion: *Provided*, That no order shall be made without five days' notice previous to making such order: *And provided, also*, that at the end of that time the road shall not be repaired.

Powers of inspectors.

SEC. 8. *Be it further enacted*, That whenever said inspectors shall order the gate to be opened no toll shall be collected nor shall the gate be closed until a certificate be granted by the inspectors or a majority of them, that the said road is repaired.

Penalty on gate keeper for refusing to obey order of inspectors.

SEC. 9. *Be it further enacted*, That if the keeper of the gate refuse to throw the same open when so ordered by the inspectors, or shall not keep the gate open until a certificate be granted, permitting the same to be closed, or shall hinder or delay any one in passing, or shall at any time take more toll than is allowed by law, the said company for each and every such offence shall forfeit and pay to the party aggrieved the sum of ten dollars, to be recovered with costs of suit before any justice of the peace or competent tribunal.

Penalty for avoiding payment of toll.

SEC. 10. *Be it further enacted*, That if any person or persons shall fraudulently or forcibly pass either of the turnpike gates, or shall dig up or spoil said road, he, she or they, committing such offence, shall be subject to a penalty of ten dollars in addition to the damages resulting from such wrongful act, which penalty shall be recovered by said company before any justice of the peace for Franklin county, or other competent tribunal.

Rate of tolls.

SEC. 11. *Be it further enacted*, That it shall and may be lawful for said company to fix their rates of toll receivable at each of the gates of said turnpike road, for every five miles of travel thereon, which shall in no case exceed the following, viz: for every twenty head of hogs or sheep, six and a quarter cents; for every twenty head of horned

cattle, ten cents; for every horse, mule, or jackass, not employed in drawing a carriage or other vehicle, two cents, and so in proportion for any greater or less number of said animals; for every four wheeled pleasure carriage, twelve and a half cents; for every two wheeled pleasure carriage, five cents; for every loaded wagon, containing six thousand pounds or less, twenty cents; for every wagon loaded with cotton, containing fourteen bales or less, twelve and a half cents, and two cents for every bale over fourteen; for every empty wagon, five cents; for every loaded cart, five cents; for every empty cart, two and a half cents; for every mail coach or stage, twelve and a half cents; for every man and horse, five cents: *Provided*, Proviso. That no toll shall be required of any person, or for any article or thing for passing or traveling over said road the distance of two miles on each end of said road, viz: two miles from Chickasaw and two miles from Russelville: *And provided further*, That no toll be required of any person or for any article or thing for passing or traveling over said road the distance of one mile on any part thereof. The tolls when collected shall be applied by the president and directors in defraying all expenses and paying all debts contracted in constructing the road; and when such shall have been done and the said road completed and finished according to the true intent and meaning of this act, a majority of the stockholders may and shall order the nett profits from the tolls hereby granted to be divided semi-annually among the parties of said company, according to their respective shares. And should any person refuse to pay the toll hereby granted, at the time of offering to pass, the toll gatherer may lawfully refuse a passage to such person or thing liable to toll as aforesaid; and if any person, article or thing liable for toll, shall by any way pass without payment thereof, on demand made and refuse to pay, the toll gatherer may, by warrant in the name of the said company from any justice of the peace, recover from the owner or person in possession of such articles or thing subject to toll, five dollars for every such offence.

SEC. 12. *Be it further enacted*, That if said company shall not begin the work within two years after the said company shall have been formed, or shall not have completed the said road within fifteen years thereafter in the manner herein directed, then and in that case all the right and interest in said road and toll hereby vested in said company shall forever cease and be forfeited. Road shall be commenced and finished, when.

SEC. 13. *Be it further enacted*, That the president and directors of the said company shall have power to borrow money, to contract debts and to be contracted with upon Powers of president and directors.

May acquire
sites for toll
houses.

Proceedings
when parties
cannot agree.

the credit of the stock of said company, and to pledge personal and real estate for the payment of the debts of said corporation. And it shall be lawful for said company, in the location of said road, to select sites for the erection of gates and toll houses, not exceeding two acres for each; also to locate parts of said road on private property; and in case the president and directors cannot agree with the owners of lands over which it is desired and contemplated to run said road, and with the owners of stone and material, required for the construction of said road, as to compensation therefor: or in case the owner thereof be an infant, non resident or *non compos mentis*, then and in either case, it shall be lawful for the president and directors to apply to the judge of the county court of Franklin county for a warrant under his hand and seal, directed to the sheriff of said county of Franklin, commanding him to summons the owner of such land and materials, if found in his county; and also to summon a jury of twelve disinterested freeholders to appear before him on the land or at the place where such materials may be, at a time not exceeding ten days from the issuance of said precept, whose duty it shall be to assess the value of the land or materials so required; and in the case of lands, they shall in the same assessment assess the damages that the owner thereof may sustain by reason of the land being so taken for the use of the said road, and in all assessments of value and damages under this act, the jury shall take into consideration the advantages that the defendant may derive from said road, and render their verdict accordingly. And it shall be the duty of the said judge to make a record thereof and return the same to the clerk of the circuit court of Franklin county, and the said clerk shall enter the same as a cause on the trial docket of said court at the term succeeding the return thereof; and on motion, if no objection be made, the same shall be affirmed and judgment thereof be rendered as in other causes, and if said motion be resisted and sufficient cause in law be shown for setting aside said assessment, then judgment thereof shall be entered and the court shall forthwith order an issue to be made between the parties to try the same matter, and the parties shall proceed thereon *de novo*; and at the same term of the court, unless sufficient cause be shown by either party for the continuance thereof, the trial of the cause, when for the claimants, shall be on the value of the land in question, or the materials as the case may be, to be used to the use of the said company; and the jury shall pay to the defendant such sum as the court may be found by the jury to be a

reasonable compensation, and the same shall become vested in said company forever, and in all cases the party aggrieved shall have his writ of error as in other cases.

SEC. 14. *Be it further enacted*, That the work shall in nowise be delayed by any proceedings had in the premises after the judge of the county court shall return to the clerk of the circuit court the assessment by the jury by him convened, but the president and directors tendering the sum so assessed to the owner, or on depositing the amount for the use of the owner of such lands or materials with the clerk of the said circuit court, may proceed with the work as upon final judgment in favor of said claim, and in case of tender, as aforesaid, and acceptance thereof, such acceptance shall be considered as a release of all errors in the proceeding; and the circuit court shall on suggestion inquire thereof and give judgment accordingly. Work shall not be delayed.

SEC. 15. *Be it further enacted*, That the stockholders shall be individually liable, in proportion to their respective shares, for all contracts made, bonds, bills, and notes executed by said president and directors in the name of said corporation, whether the same be under seal or not. Liabilities of stockholders.

SEC. 16. *Be it further enacted*, That the stock of said company shall be deemed personal property. Stock.

SEC. 17. *Be it further enacted*, That the president and directors shall pay to the judge of the county court two dollars for each warrant he may issue under the authority of this act, one dollar each day to every freeholder who may be summoned before him under the same, and one dollar to each inspector for every day they may be engaged in performing the duties required of them by this act. Judge's fees.

SEC. 18. *Be it further enacted*, That the commissioners appointed by the first section of this act shall give thirty days' notice in some newspaper published in the county of Franklin of the time when the books will be opened to receive subscriptions of stock; and that no person shall be allowed to subscribe for more than thirty shares until after the expiration of ten days from the time said books shall be first opened as aforesaid. Comm'rs shall give notice.

SEC. 19. *Be it further enacted*, That said company shall be and is hereby authorised to plank any part of said road they may think necessary, in place of macadamising the same; and furthermore, that nothing in this act shall be construed so as to prevent any other company or companies which may hereafter be organised from connecting any other toll or road running from any other point in said county, with said road. May be charged to plank road

Act passed February 1850.

[No. 158.]

AN ACT

To incorporate the Autauga Manufacturing Company.

Corporators.

Name and style

Powers.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Wm. R. Pickett, Jesse P. Perham, Malcom Smith, Daniel Smedley and Barton W. Stone, together with such persons as may hereinafter become associated with them, be and are hereby made and constituted a body corporate in fact and in name, under the style and title of "The Autauga Manufacturing Company," of the county of Autauga; and by that name be and are hereby made able and capable in law to have, purchase, receive, possess, enjoy and realize to them and their successors, lands, rents, tenements and hereditaments, goods, chattels and effects, of whatsoever kind, nature or quality, in any amount, in the whole not exceeding five hundred thousand dollars including the capital stock of said company, and the same to sell, grant, demise, alien, or dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts having competent jurisdiction, and to make, use and have a common seal and the same to break, alter and renew at pleasure.

Powers in regard to stock, shares, &c.

SEC. 2. *And be it further enacted,* That said body corporate shall have power to prescribe the number of shares into which the capital stock which by this act said corporation is allowed to invest and employ shall be divided, the mode by which stockholders may vote and the number of votes to which each shall be entitled: *Provided, nevertheless,* That the rule adopted shall be uniform, equally preserving the rights of each stockholder; and also to provide by ballot for the election of such officers as may be allowed, necessary for the government and proper management of the affairs of said corporation; and also to ordain, establish and put in execution such by-laws, ordinances and resolutions as they shall deem necessary and expedient for the government of said corporation, not being contrary to the constitution or laws of this state or of the United States, and generally to do and execute all and singular the acts, matters and things necessary for manufacturing, subject, nevertheless, to such restrictions as may hereafter be imposed by the legislature, not incompatible with the objects for which this act of incorporation was granted.

Restriction on retailing intoxicating liquors and penalty.

SEC. 3. *Be it further enacted,* That it shall not be lawful for any person or copartnership to retail or vend ardent or intoxicating liquors within two miles of the factories of

said corporation; and any person or persons so offending by violating the provisions of this section, he, she or they so offending shall forfeit and pay the sum of one thousand dollars for every such offence, recoverable before any court having competent jurisdiction thereof, one-half to the prosecutor and the other half to be paid into the county treasury.

APPROVED, 1 February, 1850.

[No. 159.]

AN ACT

To incorporate the Cahawba River Mining and Transportation Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That George D. Shortridge, Edward Gantt, Thomas T. Bolling and their associates and successors be and they are hereby constituted and declared a body corporate under the name and style of "The Cahawba River Mining and Transportation Company;" and by that name may sue and be sued, plead and be impleaded, in all the courts of judication in this state having jurisdiction of the matters and things in dispute; may contract and be contracted with, in regard to labor, materials, lands or other necessities and conveniences to carry on the business for which said corporation is instituted; may have and use a common seal, and the same break, alter or amend at pleasure, and in general shall have power to do all acts incident to a body corporate, whose objects are the working of the mines and minerals of this state, and not inconsistent with the constitution and laws of Alabama and of the United States.

Corporators.

Name and style

Powers.

SEC. 2. *And be it further enacted,* That said company may engage in the mining of coal and the manufacture of iron, in the quarrying of marble and the making of lime and such other productions of the mines and forests of this state as they may deem profitable.

Powers.

SEC. 3. *And be it further enacted,* That the capital stock of said company shall not exceed thirty thousand dollars, and be divided into shares of one hundred dollars each; that said stock shall be deemed personal property, and as such subject to levy and sale, and may be transferred in such manner as said company shall prescribe; and that no stockholder shall in any case be liable for the obligations of the company beyond his stock.

Capital stock.

May remove ob-
structions.

SEC. 4. *Be it further enacted*, That said company are hereby authorised, should the same be essential to the safe navigation of the Cahawba river, to remove any and all obstructions, whether of rocks, rafts, shoals or trees, both in the bed and on the margin of said river.

May open a
road.

SEC. 5. *Be it further enacted*, That said company are likewise authorised and empowered to open a public road from the town of Montevallo, on a line as nearly due west as the nature of the intervening country will permit, to the mouth of Dailey's creek, on the Cahawba river, thence across said river; to have the privilege of establishing a public ferry under such regulations as are provided by law in regard to other ferries in this state; thence from the western bank of said river said company are authorised to continue said road on the most eligible route until the same shall intersect the main road leading from Elyton to Tus-kaloosa; or such plank road as may be hereafter established in the same direction.

May collect
stock, &c.

SEC. 6. *And be it further enacted*, That said company shall have power to regulate the collection of their stock, and the sale, transfer and forfeiture of the same, in such manner as they think best for the interest of said company.

APPROVED, 30 January, 1850.

[No. 160.]

AN ACT

Incorporating the Alabama Mining and Manufacturing Company.

Corporators.

Name and style

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Wilson Nesbitt, Moses Stroup, their associates and successors, be and they are hereby made and created a body corporate, the name and style of which shall be "The Alabama Mining and Manufacturing Company." They shall have power to raise by subscription, in shares of twenty dollars, a capital stock of one hundred thousand dollars, which may be increased to two hundred thousand dollars whenever a majority of the stockholders may deem it advisable so to do.

Capital stock.

SEC. 2. *Be it further enacted*, That the said corporation may purchase and hold lands and chattels and such real estate as may be necessary for the use and purpose of said company, or as it may receive in payment of debts, and

may dispose of the same, and may sue and be sued, plead Corporate powers. and be impleaded, defend and be defended in all courts of law and equity, by its corporate name; may have and use a common seal, and make such by-laws, rules and regulations for their government as they may deem proper: *Provided*, Proviso. They be not inconsistent with the constitution and laws of this state and of the United States.

SEC. 3. *Be it further enacted*, That the capital stock of said company shall be considered personal property, and be Stock personal property. transferred on the books of said company; and no stockholder shall be liable for the debts of the said company beyond the amount of stock which he or she may hold in said company. Each stockholder shall have one vote for each share he may own or represent in the capital stock of said company at the election of the officers and directors of said company, and upon all questions to be decided by ballot which may arise at any of the meetings of said company.

SEC. 4. *Be it further enacted*, That the said Wilson Nesbitt, Moses Stroup and their associates may open books May open books of subscription. of subscription for said capital stock whenever and wherever they or a majority of them may deem proper and expedient; and whenever there shall be twenty thousand dollars of said capital stock subscribed the stockholders may, upon two weeks' previous notice in writing to them personally or by publication in some newspaper in the vicinity, meet in person or by proxy and proceed to elect such directors and other officers as they may deem necessary Company may organise. for conducting the affairs of said company, a majority to govern in all cases; such directors and officers to hold their offices for such term as said company may prescribe and until their successors shall be elected and inducted into office; and such directors and officers may dispose of the balance of said stock not subscribed for in such manner and upon such terms as the said company may direct.

SEC. 5. *Be it further enacted*, That if any of the stockholders in said company shall neglect or refuse to pay any On fail're to pay stock. installment assessed upon each for which he or she may have subscribed by the said company, for the space of thirty days after the time appointed for the payment thereof, the treasurer or such other officer of the said company may appoint for the purpose, shall, at the requirement of the said directors, sell at auction, upon due notice given, such number of each delinquent stockholder's shares in said company as shall be sufficient to pay all installments due and unpaid from such delinquent, and a transfer made by

the person authorised to sell the same shall vest in the purchaser at said sale a good title to the shares so sold as aforesaid, for which certificate may issue.

Annual report of directors. SEC. 6. *Be it further enacted*, That the directors of said company shall annually submit to the stockholders a written statement, on oath or affirmation of themselves and the treasurer and president of the company, the amount of the capital stock paid in, the amount of general assets belonging to said company, and of what they consist, and also the amount of the existing liabilities of said company.

Duration of charter. SEC. 7. *And be it further enacted*, That this act of incorporation shall continue in force for thirty years; and that no part of the capital stock or any of the funds of said corporation shall at any time during the continuance of this charter be employed directly or indirectly for any purpose whatever inconsistent with the laws of this state or of the United States.

APPROVED, 11 February, 1850.

[No. 161.]

AN ACT

To amend an act entitled "An Act to incorporate the Montgomery Mining and Transportation Company."

Amended. SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the second section of an act entitled "An Act to incorporate the Montgomery Mining and Transportation Company," approved March 3d, 1848; be so amended as to read "twenty-five thousand dollars" instead of "ten thousand dollars."

APPROVED, 30 January, 1850.

[No. 162.]

AN ACT

To incorporate the Montgomery Mechanical Manufacturing Company in the city of Montgomery.

Corporators. Name and style SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Alanson Birdsall, Francis M. Gilmer, Thos. B. Gregg and Thos. J. Davis, and such others as they may hereafter associate with them, be and they are hereby constituted and appointed a body corporate by the name and title of "The Montgomery Mechanical Manufacturing

Company," for the term of ten years from and after the passage of this act, and by that name shall be and they are hereby made able and capable in law to have, purchase, receive, possess, enjoy and retain, to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects of whatever kind, nature and quality, and the same to sell, grant, demise, alien and dispose of; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all manner of actions, suits, matters and things depending in any court of law or equity; and also to have and use a common seal and the same to break, alter and renew at their pleasure: *Provided always*, That it shall not be lawful for the said corporation to use any part of its capital stock or funds for banking purposes, nor to emit for circulation any notes or bills, or make contracts for the payment of money only under the seal of the said corporation, and then alone for debts by said corporation contracted.

Powers.

Proviso.

Restriction.

SEC. 2. *And be it further enacted*, That the capital stock of said corporation shall be divided into shares of one hundred dollars each and shall not exceed the sum of one hundred thousand dollars.

Capital stock.

SEC. 3. *And be it further enacted*, That the affairs of said corporation shall be managed and conducted by four directors, who shall be stockholders in said company and residents within this state, and who shall hold their offices for one year and until there shall be a new election of directors in pursuance of the provision of this act; and the said first four directors shall be Alanson Birdsall, Francis M. Gilmer, Thos. B. Gregg and Thomas J. Davis, out of which number the said directors at their first meeting shall appoint their president, and a majority of said directors of the company shall constitute a quorum to transact business.

Board of directors shall be elected.

First board.

SEC. 4. *And be it further enacted*, That after the time to be limited by this act for the continuance in office of the directors hereby nominated and appointed, the stock affairs and concerns of the said company shall be managed and conducted by five directors, who shall be stockholders, residents of the state and elected on the first Monday in January in each and every year thereafter, at such time of the day and at such place in the town of Montgomery as may be determined on by a majority of the stockholders of said company, and under such regulations as the board of directors for the time being shall direct, and they shall hold their office for one year and until others shall be cho-

Five directors to manage after first board.

sen to supply their places and no longer; and any such election shall be made by ballot by a plurality of the votes of the stockholders present in person or by proxy, allowing a vote for each share; and in all cases of a vacancy in the said board of directors, by death, resignation, removal or otherwise, the same shall be filled by a majority of the remaining directors, and the directors so elected shall hold their office until the next ensuing election: *Provided*, That in case it should at any time happen that an election of directors should not be made, the said corporation shall not for that cause be deemed dissolved, but it shall and may be lawful on any other day to hold an election of directors in such manner as shall have been regulated by the by-laws of the said corporation.

SEC. 5. *And be it further enacted*, That each stockholder in said corporation shall be individually liable for the amount of his or her share or shares, and for the purpose of ascertaining the liability of the stockholders of the said corporation a stock book shall be kept by the directors of the said company, in which shall be entered the names of the stockholders and the numbers of shares held by each, and no transfer of the stock of the said corporation shall be of any validity until the same shall have been entered on the book of the said corporation; and it shall be the duty of the president of said corporation to permit any person to inspect the said book on his paying therefor the sum of twenty-five cents. Any sheriff or other officer having executions against said corporation may levy the same on the goods and chattels, land and tenements of any one or more of such as are stockholders at the commencement of the action and make out of the same the amount of their respective share or shares: *Provided always*, That no stockholder shall be liable beyond the amount of his or her respective share or shares, and in case the president of the said corporation shall refuse to permit an inspection of the said stock book, it shall be deemed a violation of this act, and the charter of the said corporation shall be liable to forfeiture and prosecution in the nature of a *quo warranto* commenced within three months after such refusal.

APPROVED, 13 February, 1850.

Liability of stockholders,

Stock book shall be kept.

[No. 163.]

AN ACT

To incorporate the North Alabama Manufacturing Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That James H. Weakley, Henry D. Smith, John Simpson, Thomas J. Foster, James Irvine, L. P. Walker, R. M. Patton, Geo. G. Armstead, together with their associates and such other persons as may hereafter be associated with them, be and they are hereby made and constituted a body corporate in fact and in name, under the style and title of the "North Alabama Manufacturing Company;" and by that name shall be and are hereby made able and capable in law to have, purchase, receive, possess, enjoy and realise to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects of whatsoever kind, nature or quality, in any amount in the whole not to exceed one hundred thousand dollars, including the capital stock of said company; and the same to sell, grant, demise, alien and dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts having competent jurisdiction; to make, use and have a common seal, and the same to break, alter and renew at pleasure.

Corporators.

Name and style

Corporate powers.

SEC. 2. *Be it further enacted,* That said body corporate shall have power to prescribe the number of shares into which the capital stock of said corporation shall be divided, the mode in which it shall be taken and paid and transferred; and also to prescribe the mode by which stockholders may vote, and the number of votes to which each share shall be entitled: *Provided, nevertheless,* The rules adopted shall be uniform, equally securing the rights of each stockholder; and also to provide by ballot for the election of such officers as may be deemed necessary for the government and good management of the affairs of said corporation; and also to ordain, establish and put in execution such by-laws, ordinances and resolutions as they shall deem necessary and expedient for the government of said corporation, not being inconsistent with the constitution of the state of Alabama or of the United States; and in general to do and execute all and singular the acts, matters and things which to them it shall or may appertain to do, subject, nevertheless, to such restrictions as may hereafter be imposed by the legislature, not inconsistent with the objects for which this act of incorporation was granted.

Capital stock, shares, &c.

Proviso.

SEC. 3. *And be it further enacted,* That the stockholders are held and shall be liable individually for the debts of

Liabilities of stockholders. said corporation to the amount of their stock respectively ; but the funds of the corporation shall not be liable for any debts or liabilities, unless the same shall have been contracted by the president or agent of said company under its corporate seal.

APPROVED, 7 February 1850.

[No. 164.]

AN ACT

To incorporate the Selma Manufacturing Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That T. B. Goldsby, J. W. Lapsly, T. B. Carson, J. F. Conoley and J. P. Perham, of Dallas county, and their associates be and they are hereby declared a body corporate under the name and style of "Selma Manufacturing Company;" and by that name they shall be liable to sue and be sued, may plead and be impleaded in all manner of suits, both in law and in equity ; may have and keep a common seal, and the same break, alter or amend at pleasure ; and in short, shall have power to do all acts incident to bodies corporate, and may purchase, hold and dispose of for the benefit of said company property, real, personal and mixed, to the amount of two hundred thousand dollars

SEC. 2. *And be it further enacted,* That the said Selma manufacturing company shall have power to appoint and prescribe the manner and respective duties of its officers, and may adopt such a constitution and by-laws for its own government as its members may deem proper, not inconsistent with or repugnant to the constitution of the United States and of the State of Alabama : *Provided,* That the provisions of this act shall remain in force for thirty years and no longer : *Provided,* That nothing herein contained shall be so construed as to give said company any other powers than those which belong to the mechanical and manufacturing business.

APPROVED, 12 February, 1850.

[No. 165.]

AN ACT

To incorporate the Cahawba Manufacturing Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Joel E. Mathews, Wm. S. Phillips, Richard C. Crocheron and James D. Craig, their associates and successors

be and they are hereby constituted a body politic and corporate under the name and style of "The Cahawba Manufacturing Company;" and by that name may sue and be sued, plead and be impleaded, may have and use a common seal and alter the same at pleasure; and shall have power to do all acts incident to bodies corporate, and may purchase land and personal property and dispose of the same for the benefit of the company to such an extent as they may deem necessary for the interest of the company and the successful prosecution of their business of sawing, grinding and manufacturing articles for sale or use of cotton, wool, iron, wood or earth.

Name and style
Corporate powers.

SEC. 2. *Be it further enacted,* That the capital stock of said company shall not exceed eighty thousand dollars, which shall be divided into shares of one thousand dollars each; that books of subscription thereto shall be opened under the superintendence of any three of the above named persons; and each subscriber shall at the time of subscribing pay twenty per cent. on the amount of his or her subscription, and the residue in such installments as may be called for by the directors.

Capital stock.

SEC. 3. *Be it further enacted,* That if any subscriber shall neglect or fail to pay any installment called for, the president of the company may sell a sufficient number of his shares at public outcry for cash to pay all arrearages and the expenses of sale: *Provided,* That ten days' notice shall be first given by advertisement put up at the courthouse of Dallas county, and such delinquent subscriber shall be liable to action in the name of the company to recover such arrearages.

On failure to pay subscription of stock.

SEC. 4. *Be it further enacted,* That said stockholders shall have power to make all such rules, regulations and by-laws respecting the elections and duties of their officers and tenure of offices, the transfer of stock, what shall constitute a quorum, the mode of voting, the meetings of the stockholders, and all other matters and things concerning the management of their corporate affairs as they may deem necessary, so that the same are not contrary to the laws of this state.

May make rules and regulations.

SEC. 5. *And be it further enacted,* That the stock of said company shall be deemed personal property, and the provisions of this act shall remain in force thirty years.

Stock personal property.

APPROVED, 16 January, 1850.

[No. 166.]

AN ACT

To incorporate the Lafayette Manufacturing Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That John C. Robertson, Hilliard J. Perkins, Augustus O. Erwin, Thornton M. Baugh, Royal Towers, William S. Adams, John C. Towles, Cuthbert G. Hudson, Joseph Pitts, Elliott H. Muse, Evan G. Richards and John Farley, their associates and successors be and the same are hereby declared and constituted a body corporate under the name and style of the Lafayette Manufacturing Company, and by that name they shall be liable to be sued and to sue, plead and be impleaded, in all manner of suits both in law and equity; may have, keep and use a common seal, and the same break, alter, or amend at pleasure; and in short, shall have power to do all acts incidental to bodies corporate; and may purchase, hold and dispose of for the benefit of the company, property, real, personal and mixed, to such extent as they may deem necessary for the interest of said company and the successful prosecution of their business.

SEC. 2. *And be it further enacted,* That the capital stock of said company shall be not less than twenty-five thousand dollars, and shall not exceed one hundred thousand dollars and shall be divided into shares of one hundred dollars each; that the stock shall be held and considered as personal property, and shall be transferred only in such manner as shall be agreed on by the company; and that no stockholder shall in any event be liable for the obligations of the company beyond the amount of his stock.

SEC. 3. *And be it further enacted,* That in all elections for directors, or in any other question where a vote of the company may be required, each stockholder shall be entitled to one vote for each share which he may own or represent.

SEC. 4. *And be it further enacted,* That said company may, at such time and place as they may think proper, proceed to elect such number of directors as they may agree on, whose term of office and duties shall be regulated by the by-laws of said company.

SEC. 5. *And be it further enacted,* That said company shall have the right to make and ordain such by-laws and regulations as may be necessary to secure the success of the business of said company.

SEC. 6. *And be it further enacted,* That this act shall continue in force for thirty years.

APPROVED, 5 February, 1850.

[No. 167.]

AN ACT

To incorporate the Riddle Manufacturing Company, in the county of Talladega.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Walter D. Riddle and his present and future associates are hereby declared and constituted a body corporate by the name and style of the Riddle Manufacturing Company for the county of Talladega. Corporate name and style.

SEC. 2. *And be it further enacted,* That said company hereby incorporated shall be capable of holding two thousand acres of land with the tenements and hereditaments thereunto appertaining, together with so much personal property as may be necessary to carry into effect the legitimate objects of said corporation, not to exceed two hundred thousand dollars in value. May hold land.

SEC. 3. *And be it further enacted,* That said company by its corporate name shall have power to sue and be sued, answer and defend in all courts having jurisdiction of the subject matter whatsoever, and also of contracting and being contracted with in relation to the business and purposes for which said corporation is created; and the said corporation shall have a common seal, and may alter, destroy or renew the same at pleasure. Corporate powers.

SEC. 4. *And be it further enacted,* That subscriptions to the capital stock of said company shall be regulated by the said Walter D. Riddle and his associates as to the time, place, when and where said subscriptions shall be taken, the amount to be paid on subscribing, and the time or times when the remaining portion shall be paid in with full power to regulate the whole matter and to declare forfeitures under certain rules when stockholders fail to comply, and to do all things which may insure the punctual payment of the installments of stock required as they become due: *Provided,* That any regulation thus adopted shall be general and operate on all subscribers alike. Of subscriptions of stock.

SEC. 5. *And be it further enacted,* That the capital stock of said company shall be divided into shares of one hundred dollars each; that the number of votes to which each stockholder may be entitled shall be equal to the number of shares which he may hold, each share being entitled to one vote: *Provided,* That no stockholder shall be entitled to more than one hundred votes, nor shall any share or shares confer a right of suffrage which shall not have been owned and held for three calendar months next preceding any election. Capital stock div. into shares.

SEC. 6. *And be it further enacted,* That the above named Company may adopt rules. company shall have power to make all necessary rules and by-laws for the benefit of the above incorporation not incompatible with the laws and constitution of this state and of the United States.

SEC. 7. *And be it further enacted,* That this corporation shall not have the privilege to exercise the powers of banking, or to exercise any other powers not necessary and proper to carry out the foregoing granted powers according to the true intent of the establishment of said institution.

SEC. 8. *And be it further enacted,* That the said company shall have full power to prevent the sale of ardent spirits upon any of the land or lands embraced in said corporation.

APPROVED, 5 February, 1850.

[No. 168.]

AN ACT

To change the name of the Coosa Manufacturing Company to the Bradford Manufacturing Company, and for other purposes.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the name of the "Coosa Manufacturing Company" be changed to the "Bradford Manufacturing Company."

SEC. 2. *Be it further enacted,* That Joseph H. Bradford or himself with his associates and successors in the manufacturing establishments which now are or hereafter may be erected on section number eight of township twenty-three, of range twenty, in Coosa county, may succeed to, have, hold and enjoy all the privileges and immunities which were granted to said Coosa manufacturing company by an act approved January, 1845, and by an act amending the same, approved February, 1848.

SEC. 3. *Be it further enacted,* That said Joseph H. Bradford or himself and his associates and successors may adopt such rules and regulations as may be necessary for sustaining good order, the promotion of morals, suppressing the sale of intoxicating liquors and restraining the improper use thereof on said section of land, and may pass such by-laws as may be deemed requisite for the enforcement of such rules and regulations.

APPROVED, 12 December, 1849.

[No. 169.]

AN ACT

To incorporate the Macon Manufacturing Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That James W. Kidd, Mathew Dumer, Jas. W. Echols and their associates be and they are hereby constituted a body corporate and politic under the name and style of "The Macon County Manufacturing Company," for the purpose of manufacturing cotton, hemp, wool or any other material; and by that name and style may sue and be sued, answer and be answered unto, in any court of law or equity, and may have and use a common seal, and the same to alter and use at pleasure; and may have and hold real and personal property to an extent necessary to carry on their business advantageously, with power to make such rules, by-laws and regulations for the good government of said company as may not be inconsistent with the laws of this state or of the United States, &c.

Corporators.

Name and style

Objects of corporation.

Corporate powers.

SEC. 2. *And be it further enacted,* That the capital stock of said company shall not exceed two hundred thousand dollars, and shall be divided into shares of one hundred dollars each; that the stock shall be held and considered personal property, and shall be transferred only in such manner as may be fixed upon by said company, and that no stockholder shall in any event be liable for the obligations of the company beyond his stock.

Capital stock.

SEC. 3. *And be it further enacted,* That the provisions of this act shall remain in force for thirty years and no longer.

Duration of charter.

APPROVED, 1 February, 1850.

[No. 170.]

AN ACT

To incorporate the Fulton Insurance Company of Mobile.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That there shall be established in the city of Mobile a company for the purpose of transacting the business of marine, inland and general insurance, which company shall be called and known by the name of the "Fulton Insurance Company of Mobile;" and all such persons as shall be stockholders of said company and their successors shall and may have continued succession, and

Established in the city of Mobile.

Name and style

Corporate powers.

shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of action, suits, complaints, matters and causes whatever; and they and their successors may have a common seal, and may change and alter the same at pleasure; and also they and their successors by the name, style and title of the Fulton Insurance Company of Mobile shall be in law capable of purchasing, holding and conveying all kinds of estates whatever, real and personal, for the use of said corporation, subject to the restrictions hereinafter mentioned; and the said company is also authorised to discount notes, drafts or bills of exchange, and deal in bills of exchange, either foreign or domestic; that the capital stock of said corporation shall be one hundred thousand dollars with the privileges of increasing the same to two hundred thousand dollars whenever the board of directors deem it expedient, divided into shares of one hundred dollars each, ten dollars on each share to be paid at the time of subscribing and the remainder by such installments as the directors shall appoint: *Provided, however,* That the first board of directors to be chosen as hereinafter directed shall within one month after their appointment take good and satisfactory security for the payment of the said remaining amount of stock unpaid at the time of subscribing as aforesaid whenever it shall be deemed expedient to call for the same.

Capital stock.

Divided into shares.

Securities may be changed.

SEC. 2. *Be it further enacted,* That it shall be lawful for the president and directors of said company or a majority of them to alter and change the securities as aforesaid from time to time for securities of the same nature as they may deem expedient.

Books for subscriptions shall be opened.

SEC. 3. *Be it further enacted,* That subscriptions shall be opened in the city of Mobile for the said shares on the third Monday in December next, 1849, under the superintendence of Moses Waring, James I. Adams, David Salomon, Jacob B. Walker, Francis M. Johnson and John M. Dabney, or any three of them; which said subscription shall continue open until fifty thousand dollars be subscribed; but no share or shares shall entitle the holder to vote at any elections unless the same shall have been held *bona fide* by him or her at least fifteen days next immediately before such election.

Board of directors.

SEC. 4. *Be it further enacted,* That there shall be chosen twelve directors, who shall hold their office for one year and until their successors shall have been duly qualified;

which directors, at the time of their election and during their continuance in office, shall be holders in their own right of at least ten shares, and shall be elected annually Electi'n annual after the first election at the office of said company or any other convenient place in the city of Mobile, and at such time of the day as the president of the company shall appoint, of which election notice shall be given in a newspaper published in the city of Mobile at least seven days Notice to be given. before said election, and said election shall be by ballot, in person or by proxies, and each stockholder shall be entitled for every five shares to one vote; and that if no election takes place on any such day, the president may order the same from time to time until an election be effected: *Provided*, The same be done within sixty days thereafter.

SEC. 5. *Be it further enacted*, That directors of said company in the first instance shall be chosen in the following manner, viz: As soon as fifty thousand dollars shall have been subscribed the said Moses Waring, James I. Adams, David Salomon, Jacob B. Walker, Francis M. Johnson and John M. Dabney, before named, shall appoint a place in the city of Mobile for the proceeding to the election of the said twelve directors, and shall give at least seven days' notice of the same in a newspaper published in said city; and it shall be lawful for said election to be then and there holden by the subscribing stockholders by ballot, under the superintendence of the before mentioned persons, or a majority of them; and the persons then and there chosen shall be the first directors and shall serve for one year and until their successors shall be qualified; that they shall meet as soon as convenient after the election and choose out of their own body a president, who shall serve until another board by election be qualified; and in case of vacancy the directors shall choose another of their body in like manner. How board of directors shall be chosen.

SEC. 6. *Be it further enacted*, That the directors, or a majority of them, shall have power to make, prescribe and alter such by-laws, rules and regulations as shall appear to them needful and proper for the management and disposition of its stock, property, estate and effects: *Provided*, They shall not be repugnant to the constitution and laws of the state. May make by-laws.

SEC. 7. *Be it further enacted*, That the president and two directors, or three directors in the absence of the president, shall have full power and authority on behalf of the corporation to make general insurance upon vessels, buildings, freights, moneys, and all goods, wares and merchandise, May make general insurance.

and to fix premiums for the same; also to transact such matters as appertain to an insurance company; and all policies made by them, subscribed by the president and two directors and countersigned by the secretary, shall be binding and obligatory upon the said corporation in like manner and with like force as if under the seal of said corporation.

Restriction: SEC. 8. *Be it further enacted*, That said company shall not deal in any goods, wares or merchandise whatever.

Restriction: SEC. 9. *Be it further enacted*, That no insurance shall be made until the securities provided for by this act shall have been given.

Contracts under seal. SEC. 10. *Be it further enacted*, That all contracts for the payment of money by the said corporation shall be under the seal of the same, and shall be taken to operate as specialties of law.

Duration of charter. SEC. 11. *Be it further enacted*, That this act shall continue and be in force for and during thirty years from the day on which it shall be approved by the governor.

Liable to taxation. SEC. 12. *And be it further enacted*, That the capital stock and property of said company shall at all times be liable to the same rates of taxation as the property of individuals or like corporations in this state.

APPROVED, 14 December, 1849.

[No. 171.]

AN ACT

To incorporate the Florence Marine and Fire Insurance Company.

Established in the city of Florence. SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That there shall be established in the city of Florence a company for the purpose of transacting the business of marine, inland and general insurance, which company shall be called and known by the name of the Florence Marine and Fire Insurance Company; and all such persons as shall be stockholders of said company, and their successors, shall and may have continual succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever in all manner of actions, suits, complaints, matters and cases whatever; and they and their successors may have a common seal and may change and alter the same at pleasure; and also they and their successors, by

Name and style

Corporate powers

the name, style and title of the Florence Marine and Fire Insurance Company, shall be in law capable of purchasing, holding and conveying all kinds of estate whatever, real and personal, for the use of said corporation, subject to the restrictions hereinafter mentioned; that the capital stock of said corporation shall be one hundred thousand dollars, with the privilege of increasing the same to three hundred thousand dollars whenever the board of directors deem it expedient, divided into shares of one hundred dollars each; ten dollars on each share to be paid at the time of subscribing, and the remainder in such installments as the directors may appoint: *Provided, however,* That the first board of directors to be chosen as hereinafter directed, shall within one month after their appointment take good and satisfactory security, to consist of deeds of trust on real estate at not exceeding two-thirds of its value, unless the same be insured for the payment of the said remaining balance of stock unpaid at the time of subscribing as aforesaid, whenever it shall be deemed expedient to call for the same or satisfactory notes for said balance.

Capital stock.

Divided into shares.

SEC. 2. *And be it further enacted,* That it shall be lawful for the president and directors of said company or a majority of them, to alter and change said securities from time to time for securities of the same nature, as they may deem expedient.

Securities may be changed.

SEC. 3. *And be it further enacted,* That subscriptions shall be opened in the city of Florence for the said shares between the first of March next and the first of January, 1851, under the superintendence of James H. Weakly, John Simpson, Thomas Kirkman, James Irvine, L. P. Walker, Samuel D. Weakly, Martin Harkins, Thomas J. Foster, James Martin, B. B. Barker, James T. Hargraves, Charles Gookin, Abram Deane, L. T. Thustin, or any three of them, which said subscription shall remain open until fifty thousand dollars be subscribed; but no share or shares shall entitle the holder to vote at any election unless the same shall have been held *bona fide* by him or her at least fifteen days next immediately before such election.

Com'rs to open books for subscriptions.

SEC. 4. *And be it further enacted,* That there shall be chosen seven directors, who shall hold their office for one year and until their successors shall be duly qualified, which directors at the time of their election and during their continuance in office shall be holders in their own right of at least ten shares; and shall be elected annually after the first election, at the office of said company or any other convenient place in the city of Florence; and at such time of

Board of directors.

Annually elected.

Rules of voting.

the day as the president of the company shall appoint, of which election notice shall be given in a newspaper published in the city of Florence, or by notice in writing to the stockholders respectively at least five days next before said election; and said election shall be by ballot and in person or by proxy; and each stockholder shall be entitled for every share to one vote; and that if no election takes place on any such day, the president may order the same from time to time until an election be effected, provided the same be done in ninety days thereafter.

How first board of directors shall be chosen

SEC. 5. *And be it further enacted,* That the directors of said company in the first instance shall be chosen in the following manner, viz: as soon as fifty thousand dollars or five hundred shares shall have been subscribed, the said James H. Weakly, John Simpson, Thomas Kirkman, James Irvine, L. P. Walker, Samuel D. Weakly, Martin Harkins, Thomas J. Foster, James Martin, B. B. Barker, James T. Hargraves, Charles Gookin, Abram Deane, L. T. Thustin, before named, or any seven of them, shall appoint a place in the city of Florence, for the proceeding to the election of the said seven directors, and shall give at least five days' notice of the same in a newspaper printed in the said city of Florence; and it shall be lawful for said election to be then and there holden by the subscribing stockholders by ballot under the beforementioned persons or a majority of them; and the persons then and there chosen shall be the first directors, and shall serve for one year and until their successors shall be qualified; that they shall meet as soon as convenient after said election, and choose out of their own body a president, who shall serve until another board by election be qualified; and in case of any vacancy the directors shall choose another of their body in like manner.

May make by-laws.

SEC. 6. *And be it further enacted,* That the directors or a majority of them shall have power to make, prescribe and alter such by-laws, rules and regulations, as to them shall appear needful and proper for the management and disposition of its stock, property, estate and effects; *Provided,* They shall not be repugnant to the constitution and laws of this state.

May make general insurance.

SEC. 7. *And be it further enacted,* That the president and two directors, or three directors in the absence of the president, shall have full power and authority on behalf of the corporation, to make general insurance on vessels, steam boats, keel and flat boats, and crafts of every kind, buildings, freights, moneys, and all goods, wares and merchandise, and to fix premiums for the same; also to transact all

such matters as appertain to an insurance company, and all policies by them made, subscribed to by the president or two directors and countersigned by the secretary, shall be binding and obligatory upon the said corporation in like manner and with like force as if under the seal of said corporation.

SEC. 8. *And be it further enacted,* That said corporation shall not deal in any goods, wares or merchandise whatsoever. Restriction.

SEC. 9. *And be it further enacted,* That no insurance shall be made until the securities provided for by this act shall have been given; and if within fifty days after subscribing, any stockholder shall neglect to furnish said security for the stock remaining unpaid on each share, he shall forfeit his first payment. Payment of stock.

SEC. 10. *And be it further enacted,* That all contracts for the payment of money by the said corporation, shall be under the seal of the same, and shall be taken to operate as specialties in law. Contracts under seal.

SEC. 11. *And be it further enacted,* That this act shall continue and be in force for and during twenty years from the date on which it shall be approved by the governor. Duration of charter.

SEC. 12. *And be it further enacted,* That the capital stock and property of said company shall at all times be liable to the same rates of taxation as the property of individuals or like corporations in this state. Liable to taxation.

APPROVED, 31 January, 1850.

[No. 172.]

AN ACT

To amend the charter of the City Insurance Company of Mobile.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the City Insurance Company of Mobile be and is hereby authorised to lend its funds on any public stock of incorporated companies or upon the state's, (except the stock of the state of Alabama,) or that of the United States, or to invest the same in any real or personal securities, or in the purchase of domestic or foreign exchange; anything in the charter of said company notwithstanding: *Provided,* That nothing in this act shall be construed so as to enable the said company to issue for circulation any notes or bills in the nature of bank notes, or to issue any paper to be used as money. May lend or invest funds in stocks. Proviso.

SEC. 2. Be it further enacted, That in case of vacancies occurring in the board of directors of said company caused by resignation, absence or otherwise, it may be lawful for the remaining directors to fill such vacancies by electing any stockholder qualified according to the requirements of the charter: *Provided,* That no vacancy can be declared to occur on account of absence unless such absence extend beyond thirty days, without the sanction of the board of directors having been first obtained; and that not less than four directors, including the president, are present at any meeting to fill vacancies.

SEC. 3. Be it further enacted, That any stock in said City Insurance Company of Mobile owned by persons indebted to said company, whether as principal or security for others, and whether said indebtedness be due or has not yet matured, shall at the option of the directors of said company be held as security until said indebtedness is discharged; and in case of failure of payment of said indebtedness within thirty days after maturity of same, the directors shall have power to sell said stock or as much thereof as will satisfy the said indebtedness, by advertising the same ten days prior to sale in any newspaper published in the city of Mobile and without any further notice to the owner thereof.

SEC. 4. And be it further enacted, That the board of directors of said city insurance company of Mobile shall have power to regulate the number of their body necessary to transact the general business of the company.

APPROVED, 12 December, 1849.

[No. 173.]

AN ACT

Further to amend the charter and amendments thereto of the City Insurance Company of Mobile.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That "The City Insurance Company of Mobile" be and is hereby authorised to receive in trust or on deposit all funds or moneys that may be offered to them, whether on interest or otherwise; and that they have power to give acknowledgements for such deposits in such manner and form as they may deem convenient and necessary to transact such business.

SEC. 2. Be it further enacted, That all funds or moneys deposited with said company as above provided for, shall be free from liability for any loss or indebtedness

arising or growing out of the insurance business of said company.

SEC. 3. *Be it further enacted*, That should the stockholders of said "City Insurance Company of Mobile" decide at any future time to increase the capital stock of said company beyond its present amount of one hundred thousand dollars, and within the amount already provided for in the charter of said company, that the excess so subscribed beyond said sum of one hundred thousand dollars shall not be liable for any loss or indebtedness arising or growing out of the business of insurance transacted by said company; and the said city insurance company of Mobile shall have the right and power to use such increased capital in any manner or way already provided for in the charter and amendments thereto of said company.

If capital st'k is increased, how the surplus may be used.

SEC. 4. *Be it further enacted*, That the amendments hereby made shall take effect from date of passage thereof, and that all acts or parts of acts, so far only as the same shall or may conflict with the provisions of this act, be and the same are hereby repealed.

Takes effect.

APPROVED, 11 February, 1850.

[No. 174.]

AN ACT

To incorporate the Eufaula and Barbour Mutual Insurance Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Lafayette Stow, Colin Gardner, John N. Copeland, Jno. Hart, Danl. A. McCall, Jno. Colby and William A. McKinzie, and their associates and successors, shall be a corporation under the name and style of "The Eufaula and Barbour County Mutual Insurance Company," and shall keep their office at such place as may be agreed upon by the officers hereinafter provided for; shall elect their own officers; shall have the power to establish agencies, at such places under such rules and regulations as they may deem expedient, not inconsistent with the provisions of this charter; and shall enjoy all the privileges and powers incident to such corporations.

Corporators.

Name and style.

Powers.

SEC. 2. *Be it further enacted*, That at all meetings of said corporation, every matter shall be decided by a majority of votes, each member being allowed one vote, and if his policy exceeds one thousand dollars, an additional vote for every thousand, with the right of voting by proxy; and such corporation may choose such officers and for

Rules of voting on and deciding questions.

such length of time as they may deem necessary; but no policy of insurance shall be issued by said company until the sum subscribed to be insured shall amount to fifty thousand dollars.

Powers defined.

SEC. 3. *Be it further enacted,* That the said corporation may insure for any term not exceeding ten years any houses, goods, gin-houses or any other species of property whatever; and also the lives of persons against any damage or loss from fire, water or death, or other causes usually embraced in such corporations, not resulting from the carelessness, negligence or design of the party insured, and to any amount not exceeding three-fourths of the value of the property insured, and not exceeding ten thousand dollars on any one block of buildings, or stock of goods; and in case any members shall sustain damage over and above the then existing funds of the corporation, the directors of the corporation shall assess such further sum or sums upon each member as shall be in proportion to the sum by such member insured, and at the rate of hazard mutually agreed upon.

Rules for insuring

SEC. 4. *Be it further enacted,* That whenever said corporation shall make insurance upon any property, the member so insured shall give his note or bond well secured for the amount of the insurance money, payable one day after date, and shall deposit in money with the treasurer of the company ten per cent. of said note, which shall be entered as a credit thereon, and the fund thus raised may be applied to the ordinary expenses of the corporation; and the directors may at any time thereafter, when the liabilities of the company require it, call in such additional installments as may be necessary, by giving thirty days' notice in the most convenient newspaper.

How losses shall be applied for.

SEC. 5. *Be it further enacted,* That whenever any person shall sustain any loss of the property so insured, he shall within thirty days after his knowledge of said loss, and in case of real estate, before any repairs or alterations are made, give notice in writing of the same to some one of the directors or other person appointed by the directors, whose duty it shall be to view immediately the premises where the loss occurred, or otherwise make satisfactory inquiries into the circumstances attending it, and under oath determine in writing by him subscribed the amount if any of the liabilities of said corporation for such loss; and if the sufferer shall not acquiesce in such estimate, he may within sixty days after he is notified of the estimate, bring an action of law against said corporation. If in this ac-

tion he shall not receive as damages more than the amount estimated as aforesaid, he shall be liable for all costs incurred in the suit; and execution shall issue against the corporation only for such amount as may be allowed after deducting said costs of suit; but if the amount allowed be greater than the estimate, then the corporation shall be liable for all the costs of suit.

SEC. 6. *Be it further enacted*, That said corporation shall be entitled to hold real and personal estate to any amount necessary for the purposes of the same; shall have and use a common seal, and shall have power to make such by-laws, rules and regulations as may be thought proper, not repugnant to the constitution and laws of this state or of the United States. Corporation may hold real and personal estate.

SEC. 7. *Be it further enacted*, That when said corporation shall make insurance on any property, the interest of the person insured in said property shall be held as security for the payment of the deposits note given to the corporation, and the policy of the insured shall, from the time it issues, create a lien on the said property; and no transfer of the said property shall affect the said lien, provided it shall be expressed in the policy that the insurance is made subject to such lien. Rules for insuring.

SEC. 8. *Be it further enacted*, That if any member of said corporation obtaining insurance, or in case of his death his legal representative, shall refuse or neglect to pay any assessment within thirty days after the demand be made, or any installment upon his deposit note, he shall be liable to a suit therefor by the corporation in any court having competent jurisdiction; and also the liability of the corporation for the policy under which the payment is withheld, shall be suspended until said payment is made; and if said payment is not made within six months, the said policy shall be to all intents and purposes forever forfeited. Payment of policies suspended in certain cases

SEC. 9. *Be it further enacted*, That any three of the persons herein named as corporators may call the first meeting by advertising the same for three successive weeks in one public journal in Eufaula, Tuskegee and Montgomery. First meeting to be advertised.

SEC. 10. *Be it further enacted*, That any person insured shall have the right to return his policy and demand his note at any time before it would expire by its own limitation, provided there is no unpaid assessment upon the note or losses unprovided for. Policies may be cancelled.

SEC. 11. *Be it further enacted*, That all laws and parts of laws militating against this act be and the same are hereby repealed. Repeals.

Sec. 12. And be it further enacted, That the corporation created under the provisions of this act shall not continue in existence for a longer period than thirty years.
APPROVED, 8 February, 1850.

[No. 173.]

AN ACT

To incorporate the Sydenham Medical Society of Montgomery.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That William M. Boling, B. Rush Jones, Henry M. Jackson, William O. Baldwin, Matthew Bozeman, and J. Marion Sims, and their associates and successors of the Sydenham Medical Society of Montgomery, Alabama, be and are hereby constituted and declared a body corporate
under the name and style of "The Sydenham Medical Society of Montgomery," and by that name and style may adopt such a constitution and by-laws for the government of the said society as may not conflict with this act or with the constitution and laws of the State of Alabama.

Sec. 2. And be it further enacted, That any licensed physician shall be entitled to admission into said medical society upon complying with the constitution and by-laws prescribing the terms of admission, unless three or more members of the society shall object to such admission.

Sec. 3. And be it further enacted, That the said corporation shall be required to carry into effect such ordinances as the corporation of the city of Montgomery may adopt in regard to it, to organise a board of health and procure necessary information and advice upon the subject of the health of the city and the precautionary measures necessary to procure the same.

Sec. 4. And be it further enacted, That this act shall remain in force ten years from its passage, and may be altered, modified or amended during that time.

APPROVED, 1 February, 1850.

[No. 175.]

AN ACT

Establishing the Medical Association of the State of Alabama.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That A. Lopez, J. Marion Sims, N. L. Meredith, Thos. W. Mason, J. A. English, T. A. Bates, W. B. Johnson and H. M. Jackson, and their associates and successors of the medical association of the State of Alabama, are hereby instituted a body corporate under the name and style of "The Medical Association of the State of Alabama;" and by that name and style may sue and be sued, plead and be impleaded, and have a common seal with power to change or alter the same at pleasure. Corporate
Name and style

SEC. 2. *Be it further enacted,* That said association is hereby empowered to adopt a constitution and pass such by-laws as may be deemed necessary for its good government, the same being not repugnant to the constitution and laws of this state. Powers

SEC. 3. *Be it further enacted,* That said association is hereby authorised and empowered to hold by purchase, gift, grant or otherwise, property, real, personal and mixed, not exceeding in value fifty thousand dollars, and to sell and dispose of the same at pleasure. Powers.
May hold property.

SEC. 4. *Be it further enacted,* That the members of this association shall be known and styled "Fellows of the Medical Association of the State of Alabama." Style of members of association.

SEC. 5. *And be it further enacted,* That this act shall remain in force fifty years from its passage, and may be altered or modified or repealed during that period. Duration of charter.

APPROVED, 13 February, 1850.

[No. 177.]

AN ACT

To incorporate a Medical College of the State of Alabama at Montgomery.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That a board of trustees and professors be and are hereby established and declared a body corporate under the style and title of "The President, Trustees and Faculty of the Medical College of the State of Alabama at Montgomery." Body corporate.
Name and style

SEC. 2. *Be it further enacted,* That the said board of trustees shall consist of eleven members, viz: Francis Bug-

bee, Chas. T. Pollard, E. Y. Fair, Robert J. Ware, Silas Ames, A. B. McWhorter, H. W. Henry, Samuel D. Holt, James Berney, John McLester and William H. Reeves, who shall elect a president from among themselves.

Trustees shall appoint a faculty.
Powers in granting diplomas.
 SEC. 3. *Be it further enacted*, That the said board of trustees shall appoint a faculty, which faculty and board of trustees shall have power to grant diplomas and confer degrees upon any persons who on examination may be found to possess a competent knowledge of the several branches of medical science as taught in the present day ; and the degrees thus conferred shall entitle the recipients thereof to all the honors, benefits, privileges and immunities which belong to like degrees conferred by the most approved medical schools, colleges, or universities in the United States.

Corporate powers.
 SEC. 4. *Be it further enacted*, That the said board of trustees and faculty shall have perpetual succession of officers and members, with a common seal ; shall have power to make all lawful and proper rules and by-laws for the government and regulation of themselves and of said college ; and that the said corporation is declared capable of receiving and holding real and personal estate not exceeding fifty thousand dollars, whether acquired by gift, devise, bequest or purchase, for the benefit of said corporation.

Vacancies in faculty, how filled.
 SEC. 5. *Be it further enacted*, That whenever a vacancy shall occur in the faculty of said college, the said board of trustees and faculty shall have power to elect to the vacant professorship, and also to establish such other or assistant professorships, under such regulations as they may deem essential to the interest of said college, and to remove any professor for incapacity or misconduct.

Vacancies of trustees, how filled.
 SEC. 6. *Be it further enacted*, That when a vacancy shall occur among the members of said board of trustees, such vacancy or vacancies shall be filled by the remaining members of the board and the faculty.

Duration of charter.
 SEC. 7. *And be it further enacted*, That this act shall be and continue in force for the term of twenty-one years.

APPROVED, 20 December, 1849.

[No. 178.]

AN ACT

To amend an act entitled "An act to establish La Grange College."

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an act entitled "An act to establish La Grange

College," approved January 19th, 1830, be amended as follows, viz: Strike out the second section of said act, and insert in lieu thereof, the following: "*Be it further enacted*, That hereafter there shall not be more than fifty, nor less than twenty-five trustees, who are hereby authorised, to take charge of the interests of said college:" Strike out the third section of said act and insert the following words, viz: "*Be it further enacted*, That the following persons, who have been chosen, be and they are hereby appointed trustees of said college, any seven of whom shall constitute a quorum to transact business, viz: Alexander Sale, Jack Shackelford, Maclen Sledge, John T. Abernathy, Stephen W. Harris, Fletcher C. Vinson, Drury Mayes, Edward Wadsworth, Manoah B. Hampton, Tignal Jones, Francis W. Sykes, William W. Downes, Aswald King, Alexander L. P. Green, Davis Gurley, Edward A. O'Neal, Phileman King, Finch P. Scruggs, Edward B. Deloney, John B. McFerrin, James W. Hardy, John B. Sale, Robert Paine, Jefferson Hamilton, William Murrah, William Leigh, Frederick G. Ferguson, William McMahan, Francis A. Owen, John T. Baskerville, Samuel Watson, Joshua Soule, H. R. W. Hill, Gilbert D. Taylor, James E. Saunders and Robert H. Watkins:" Strike from the closing paragraph of the 4th section of said act the following words, viz: "not exceeding in the whole amount three hundred thousand dollars;" and from section ten the following words, closing the same, viz: "resident in La Grange or its vicinity," and insert in place of said last named words, the following, viz: "present at any lawful meeting of the board:" Strike also from section sixteen the following words, viz: "or deal in bills of exchange."

Sundry amendments to act of incorporation of 1830.

SEC. 2. *And be it further enacted*, That the aforesaid amendments be deemed and held as a part of the aforesaid mentioned act "to establish La Grange College," from and after the passage of this act, and that all parts of said act contravening the provisions of said amendments be and they are hereby repealed.

APPROVED, 14 January, 1850.

[No. 179.]

AN ACT

To incorporate Andrew Chappell Academy, in the county of Russell.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That there shall be established in the county of

Amendments declar'd of force

Trustees. Russell an academy to be called and known as "The Andrew Chappell Academy;" and that Hartwell B. Green, John J. Ellington and Thomas G. Frazier and their successors in office are hereby declared to be a body corporate and politic by the name and style of "The Trustees of the Andrew Chappell Academy;" and as such shall be capable and liable in law to sue and be sued, to plead and be impleaded; and shall be authorised to make such by-laws and regulations as shall be necessary for the government of said academy: *Provided*, Such by-laws and regulations are not repugnant to the constitution of this state; and for that purpose may have and use a common seal, and appoint such officers as they may think proper, and remove the same from office for improper conduct or neglect of duty.

Corporate powers. Proviso. *SEC. 2. Be it further enacted*, That said trustees or body corporate shall be privileged to accept of and be vested with all manner of property, real, personal or mixed; also all donations, gifts, grants, and privileges which may hereafter be made or granted to the said institution, or which may be hereafter conveyed or transferred to them or their successors in office; to have and hold the same for the use, benefit and behalf of said academy.

Vacancies. *SEC. 3. Be it further enacted*, That when a vacancy may occur by death, resignation or otherwise of any of the trustees of said academy, the survivors or residue of said trustees shall fill the same in such manner as shall be pointed out by the by-laws and regulations of the said corporation.

Property vested *SEC. 4. And be it further enacted*, That all property owned or possessed by said trustees in their aforesaid capacity shall be vested with such body corporate in perpetuity for the use of said academy.

APPROVED; 5 February, 1850.

[No. 180.]

AN ACT

To repeal "An act to incorporate the Blountsville Male and Female Academies in the county of Blount," approved February 29th, 1848.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened. That the above recited act be and the same is hereby repealed.

APPROVED, 7 January, 1850.

[No. 181.]

AN ACT

To incorporate the Female High School in Mobile.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That James D. Craig, John Barrow, W. H. Fleming, T. Borden, A. B. Cooper, J. W. Patton, J. V. F. Walker, C. E. Polnitz, James Sanford, William Stewart, William J. Ledyard, G. Horton, Rufus Greene, William T. Hamilton, Robert Nall, and their successors in office, are hereby constituted a body corporate and politic by the name and style of the Trustees of the Female High School in Mobile, and by that name shall have full power and authority to have and use a common seal, to break and renew the same at pleasure, to sue and be sued, plead and be impleaded, to receive donations and make purchases of property which shall enure to them and their successors in office, and to hold real and personal estate not exceeding in value fifty thousand dollars over and above the library and apparatus, to pass such by-laws and rules and regulations as may not be inconsistent herewith or with the laws of this state or of the United States.

Trustees.

Corporate name and style.

Powers.

SEC. 2. *Be it further enacted,* That the said trustees shall be divided into five classes; one of said classes shall go into office every year, and the vacancy thus annually created shall be filled by the presbytery of South Alabama in such manner as it may prescribe.

Trustees class'd

SEC. 3. *Be it further enacted,* That the said board of trustees shall annually appoint from among their own number a president, a secretary and treasurer, whose several duties shall be fixed by regulation of the said board of trustees.

Shall appoint president, &c.

SEC. 4. *Be it further enacted,* That five members of said board shall constitute a quorum for the transaction of business; that said trustees shall have the power of appointing a teacher or teachers, fixing the rate and rules of tuition according to their own judgment, appoint the times of their own meetings, and generally to do all things that may be necessary to establish and maintain, under the sanction and approval of the presbytery of South Alabama, a female school of a high grade in the city of Mobile.

Quorum and general powers

SEC. 5. *Be it further enacted,* That said board of trustees shall annually report to the said presbytery of South Alabama the state of the school and funds under their charge, and generally what they have done during the year, and shall have the right, in connection with the principal teacher.

Shall make an annual report

in said school, to grant certificates, diplomas, or other evidences of scholarship to meritorious pupils under their charge.

APPROVED, 5 February, 1850.

[No. 182.]

AN ACT

To establish and incorporate a Female Literary Institution at Uniontown, in the county of Perry.

Preamble.

Whereas it is doubted whether property obtained either by purchase in the ordinary sense, by gift, grant, bequest or endowment, can be held and enjoyed in perpetuity by an association or company for literary purposes, unless by virtue of an act of incorporation passed directly by the legislature only; therefore

Corporators.

Name and style

Powers.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Albert G. Hudson, George N. Ware, William T. Moore, John Bradfield, Anthony P. Walk, Richard R. Hudson, Joseph R. John, and their successors in office, be and they are hereby constituted and declared a body corporate by the name and style of "The Trustees of the Cane Brake Female Institute;" and as such may sue and be sued; have and use a common seal; elect one of their own number as president, and elect or appoint all such other officers, professors or teachers as they may choose; and remove the same at pleasure; and in short, pass or adopt all such ordinances, rules or by-laws, as they may think advisable for the interest and good government of said institution which may not be inconsistent with the laws of this state.

Power of corporation in receiving and holding property.

SEC. 2. *Be it further enacted,* That the said corporate body, for the exclusive benefit of said institution and the promotion of its objects and thereby the encouragement of literature, may have power to erect buildings, borrow money by mortgage of their corporate property or otherwise, to accept of and hold property; real, personal or mixed, by purchase, donation, grants or bequests, and to sell and dispose of the same as natural persons in like cases may do.

Powers of trustees in adopting rules, &c.

SEC. 3. *And be it further enacted,* That said trustees or a majority of them may as aforesaid pass a system of rules or by-laws not only for their own government but prescribing the times of elections, terms of service, and

pointing out the respective duties of their various officers. They may prescribe and regulate or alter at will from time to time the order, mode, kind and extent or branches of study and of learning to be taught and pursued in the institution; but in case of vacancies in the board from any cause, the survivors or residue, one or more, may fill the same by appointment; and they may prescribe in their by-laws what shall constitute a vacancy. Full power is given to the board as to the competency and number of their teachers and rates of tuition as well as all other internal regulations. They may grant diplomas on adequate attainments as well as certificates or other evidences of scholarship; and in short do any and every thing necessary and proper to further the objects of said literary institution or which other literary institutions of the like kind may lawfully do.

APPROVED, 4 February, 1850.

[No. 183.]

AN ACT

To incorporate the Oak Bowery Female College, under the direction and control of the Alabama Conference of the Methodist Episcopal Church south.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Rev. J. Hamilton, J. Barker, S. Armstrong, J. S. Hughes, S. F. Pilly, T. J. Williamson, C. D. Bilbro, J. F. Doudwell, J. D. Fisher, W. B. Neal, J. W. Starr, J. B. Glen, J. W. Jones, S. W. Harris and W. W. Burt, their associates and successors in office be and they are hereby constituted a body corporate and politic in deed and in law by the name and style of "The Oak Bowery Female College," under the direction and control of the Alabama Conference of the Methodist Episcopal Church south; and by that name may sue and be sued, plead and be impleaded, answer and be answered unto in all kinds of actions, both in law and equity; may receive donations, purchase property of any kind, whether real, personal or mixed, for the sole use and benefit of the said institution; the same to hold, use or dispose of at pleasure, and have and use a common seal. They shall further be empowered to make such rules, regulations and by-laws for the good government of the said institution as may be necessary, the same not being repugnant to the constitution of the United States or of this state.

Corporators.

Name and style

Corporate powers and privileges.

Number of trustees may be increased or diminished.

Proviso

SEC. 2. *Be it further enacted*, That the said Alabama Conference shall have the power at any time to increase or diminish the number of trustees to the above named institution; and it shall be competent for a majority of the said trustees to transact any business that may be necessary to be done, or to fill any vacancy that may occur in the said board; which appointments shall extend only to the ensuing session of the annual conference: *Provided*, That the conference aforesaid shall at the first session after the occurrence of any such vacancy, make permanent appointments for the same; and it shall be the duty of the trustees to make true reports to each annual session of the conference aforesaid of the state and condition of the funds belonging to the said institution, and suggest such recommendations for the improvement of the same as to them may seem advisable.

Trustees may elect certain officers.

SEC. 3. *Be it further enacted*, That the said trustees shall have power to elect a president, vice president, a secretary and treasurer, and to prescribe the duties of each, and together they may appoint such professor or professors, or organise such faculty for the superintendence of the said institution as to them may seem necessary. They may fix the rate of tuition and make such rules and regulations, and prescribe such forms for the granting of certificates, diplomas or other evidence of scholarship, as they may choose.

Repeals former acts.

SEC. 4. *And be it further enacted*, That the act incorporating the Oak Bowery Male and Female Academy, and the acts amendatory of the same, be and they are hereby repealed.

APPROVED, 4 February, 1850.

[No. 184.]

AN ACT

To incorporate the Somerville Female Academy, and for other purposes.

incorporators.

Name and style

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*. That Thomas Price, William H. Campbell, Harrison M. Welch, William P. Terry and William B. Blackburne be and they are hereby constituted a body corporate under the name and style of "The Visitors and Trustees of the Somerville Female Academy," in Morgan county.

Corporate powers

SEC. 2. *Be it further enacted*, That the visitors and trustees and their successors in office by their corporate name shall have perpetual succession in officers and mem-

bers, to be appointed or elected in such manner and according to such form as may be prescribed by the rules and regulations made for the government of the corporation, and to alter and amend the same at pleasure; to employ suitable teachers and to make all such contracts as may be necessary to carry the said academy into complete operation.

SEC. 3. *And be it further enacted*, That the said corporation by its corporate name shall be capable in law of ^{Corporate powers.} suing and being sued, of pleading and being impleaded, of holding and owning property, both real and personal, to any amount not exceeding two thousand dollars, and of selling and conveying the same; and shall enjoy all such privileges and powers as are necessary to give full and complete effect to this, according to its true meaning and intent.

APPROVED, 29 January, 1850.

No. 185.]

AN ACT

To incorporate the stockholders of the Wilcox Female Institute.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That James A. Tait, L. W. Mason, Joseph George and their associates, stockholders of the Wilcox ^{Corporators.} Female Institute, at Camden, in Wilcox county, be and they are hereby incorporated and constituted a body politic in deed and in law; and may sue and be sued in the manner hereinafter provided.

SEC. 2. *Be it further enacted*, That the stockholders ^{Stockholders may elect board of trustees.} shall have power to elect as hereinafter provided on the first Monday in February, 1850; or at such other time as may be agreed on by a majority of the stockholders in interest, to elect a board of trustees to manage and superintend the affairs of the institution hereby established; and the trustees so ^{Their name and style.} elected shall be styled "The Trustees of the Wilcox Female Institute," and in that name the stockholders shall be able and capable in law of suing and being sued; to plead and be impleaded, answer and be answered in any of the ^{Powers.} courts of this state; and in that name shall do and perform all other acts which are incident to bodies corporate.

SEC. 3. *Be it further enacted*, That the stock of said institution shall consist in shares of twenty-five dollars ^{Stock to be divided into shares of \$25.} each, and shall be entered in a book kept by said corporation in which shall be recorded the names of the stockholders.

ers with their several amounts of stock annexed, which stock shall be transferrable by assignment on the book in which the names of the stockholders are registered; and the stockholders shall meet on the day mentioned as aforesaid or at such other time as may be agreed on, by giving reasonable notice, and shall elect such number of trustees as they may deem proper and in the following manner: Each shareholder shall be entitled to one vote for each share of stock held by them: *Provided*, That any stockholder may depute any person in writing to vote for him or her as proxy.

Proviso.

Election of trustees.

Their powers.

Proviso.

May receive donations.

Rules and regulations may be enforced or revoked.

SEC. 4. *Be it further enacted*, That at the first election the said stockholders shall appoint a day for the annual election of trustees as aforesaid; and the trustees so elected shall hold their office one year or until their successors are elected. The stockholders shall have power to prescribe the duties of the trustees and to make all by-laws and rules for the government of said institution. They may appoint all such officers as they may think necessary, and prescribe their duties and liabilities. The trustees now in office shall continue until the first election of trustees under the provisions of this act; and all vacancies which may occur in the board of trustees shall be filled as the stockholders shall prescribe: *Provided*, That in all cases it shall require a majority of stockholders in value to form a quorum for the transaction of any business.

SEC. 5. *Be it further enacted*, That the said stockholders shall be able and capable in law to receive donations, to purchase and hold real and personal estate to the amount of fifty thousand dollars, and may sell and dispose of the same. They may erect, establish and control another school for males in such manner as they may prescribe. They may receive titles to real estate in the name of the trustees and their successors.

SEC. 6. *Be it further enacted*, That the rules and regulations heretofore adopted shall be valid to all intents and purposes, and may be enforced or revoked in the same manner as rules and regulations hereafter to be adopted; and in all contracts or promises heretofore made or entered into shall be as binding upon said corporation as though the same were made and entered into subsequent to the passage of this act; and on all contracts heretofore entered into by said stockholders or under their authority they may sue or be sued in the same manner as though the same were entered into after the passage of this act.

SEC. 7. *And be it further enacted,* That all the grounds, buildings and other property owned or authorised to be held by said corporation in or about the town of Camden shall be and remain free from any state, county or corporation tax. Property exempt from taxation.

APPROVED, 31 January, 1850.

[No. 186.]

AN ACT

To incorporate the Choctaw County Male and Female Seminary.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Thomas Hearin, Silas H. Smith and Edward J. Anderson be and they are hereby appointed commissioners, any two of whom shall be competent to act and do all business necessary to be done by this act of incorporation, and under the direction of a majority of whom subscriptions may be received to the capital stock of the company of the Choctaw County Male and Female Seminary; and they shall cause books to be opened in the town of Mount Sterling and at such other places as they may think proper for the purpose of receiving subscriptions from time to time to the capital of said company, until the sum of the capital stock shall be subscribed. Commissioners to receive subscriptions of stock

SEC. 2. *And be it further enacted,* That the capital stock of said company shall not exceed twenty-five hundred dollars in shares of twenty-five dollars each; and as soon as the aforesaid sum shall be subscribed, the subscribers of said stock or a majority of the votes authorised by this act, may increase the capital stock to five thousand dollars in shares of twenty-five dollars each, if they think proper; and as soon as a sum sufficient in the opinion of the stock subscribers is subscribed to enable them to erect the building necessary for the commencement of said seminary, the subscribers of said stock, their successors and assigns, shall be and they are hereby declared to be incorporated into a company by the name of the Company of the Choctaw County Male and Female Seminary; and by that name shall be capable in law of purchasing, holding, leasing, selling and conveying real, personal and mixed property, so far as shall be necessary for the purposes hereinafter mentioned; and by said corporate name may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any court of law or equity in this state or elsewhere; to have and use a common seal, to alter and change the same at pleasure; Capital stock
May be increased.
Stockholders a body corporate:
Name and style.
Corporate powers.

Proviso.

to pass such by-laws, rules and ordinances for the good government of said corporation as to them may seem proper; and generally to do and exercise all matters and things necessary to carry into full and complete effect all the objects of this act: *Provided always*, That it shall not be lawful for said corporation to use any of its capital for banking purposes, or to emit for circulation any notes or bills, or make contracts for the payment of money except under the seal of said corporation, and then alone for debts contracted by said corporation.

Of the payment
of stock.

SEC. 3. *Be it further enacted*, That the sums subscribed to said capital stock shall be paid as said company may direct, provided no more than one-third of the subscription be demanded in any one year; and if any subscriber shall fail or neglect to pay any installment of said subscription for the space of thirty days next after such subscription shall become due, the trustees shall be authorised to sell said stock at auction, giving thirty days' notice of such sale, and said stock shall be deemed and considered in law as personal property, and said subscriber shall also be liable to an action for the payment of the same as in other cases of debt.

Organisation of
board of trustee's

SEC. 4. *Be it further enacted*, That when the stockholders decide by a majority of all the votes authorised by this act that the amount subscribed is sufficient to enable them to erect the buildings necessary for said institution, a meeting of the stockholders shall be held at Mount Sterling, at such time as they may direct, for the purpose of electing a president, a treasurer, a secretary, and a board of trustees to consist of three, and a building committee to consist of five; and on all occasions wherein a vote of stockholders shall be necessary to be taken, each stockholder shall be allowed one vote for every share owned by him or her: *Provided*, Any stockholder may depute any other person to vote and act for him or her as his or her proxy.

Term of office
of president, &c.

SEC. 5. *Be it further enacted*, That the several officers, consisting of president, treasurer and secretary, shall hold their office for the term of twelve months, and shall be elected annually after the first election, and all vacancies which may occur by death, resignation, refusal to act, or otherwise, in any of the offices, boards of trustees or committees, shall be filled by the president until the first meeting of the stockholders, who shall elect as before; and the several officers shall hold and exercise their offices until their successors are chosen and qualified.

Vacancies.

SEC. 6. *And be it further enacted*, That the secretary and treasurer, before they enter upon the discharge of their

duties, shall enter into bond and security in double the amount of the stock subscribed, payable to the president and his successors in office, conditioned for the faithful discharge of their duties, and each of the officers before he acts as such shall swear or affirm that he will well and truly discharge the duties of his said office.

Secretary and treasurer shall give bond.

SEC. 7. *And be it further enacted,* That at the annual meeting of the stockholders it shall be the duty of the secretary in office for the preceding year to exhibit a clear and distinct statement of the affairs of the company for the information of the stockholders; make and declare such dividends as the stockholders may deem proper of the nett profits arising from the resources of said company after deducting the necessary current expenses, and shall divide the same among the proprietors of the stock of said company in proportion to their respective shares.

Secretary shall make an exhibit of affairs of the company.

SEC. 8. *And be it further enacted,* That the said president shall have power to call meetings of the stockholders at any time, stating in the call the business intended to be done, and no other shall be transacted at such called meeting; a majority of the stockholders in value, either in person or by proxy, shall be necessary to transact business; and at such called meeting a majority of the stockholders in value shall have power to remove any of the officers and appoint others in their stead.

Meet'g of stockholders may be called.

SEC. 9. *And be it further enacted,* That the building committee shall be invested with all the rights and powers necessary to the construction and repair of such buildings as they may deem necessary and proper for the use of said institution in the town of Mount Sterling, and also to select a suitable lot of ground in said town for said institution, and to contract for the erection and completion of the same with the lowest bidder in such manner as they may deem proper.

Powers of building committee.

SEC. 10. *And be it further enacted,* That the trustees provided for by this act shall be authorised to contract for and receive conveyances for the land necessary for said buildings or which may be required by the building committee in the construction of said seminary or necessary adjacent buildings, and shall take conveyances to them in trust for the use and benefit of said company; and any and all contracts and agreements, all notes or bonds given or received, and all other things necessary to be done in and about the premises, shall be done by a majority of the stockholders in value, through the intervention of said trustees; all notes, bills or bonds by them received, and any and all their acts shall be handed and reported by them to the secretary, who shall keep an account of the same; and all valuables shall pass into the hands of the treasurer.

Powers of trustees.

SEC. 11. *And be it further enacted,* That no money shall be paid out of the treasury for building or other purposes without the concurrence of the building committee, and then upon an order drawn by the president and countersigned by the secretary; if any of the officers necessary to the holding of any meeting should be absent at any meeting of the stockholders, the members of the company shall have power to appoint such officers *pro tem*.

SEC. 12. *And be it further enacted,* That the stockholders shall elect annually a board of trustees, not to exceed eleven in number, a majority of whom may act; the said election for trustees shall be held at a meeting to be called by the president for that purpose and annually thereafter, whose duty it shall be to govern said institution and to employ suitable teachers and do all other things required by this act.

SEC. 13. *And be it further enacted,* That a male and female seminary to be called and known as the Choctaw County Male and Female Seminary, to be established at Mount Sterling, is hereby incorporated; and that the trustees provided for by the twelfth section of this act, and their successors be and they are hereby declared a body corporate, and as such shall be capable and liable in law and in equity to sue and be sued, plead and be impleaded, and they shall be authorised to make all such by-laws as may be necessary for the government of said seminary, not inconsistent with or repugnant to the constitution and laws of this state or of the United States; they may have and keep a common seal and the same break, change or alter at pleasure, and may appoint such officers as they may deem necessary and remove the same.

SEC. 14. *And be it further enacted,* That said body corporate shall be privileged to accept of and be invested with all manner of property, real, personal or mixed; also all donations, gifts, grants and privileges which may be hereafter made or granted to said institution, or which may be hereafter conveyed or transferred to them or their successors in office, to have and hold the same for the use, benefit and behalf of said seminary: *Provided,* The same shall not exceed five thousand dollars: *And provided also,* That said board of trustees shall not be empowered to purchase any property for the use of said seminary, with any of the funds belonging to said company without the concurrence of a majority of the stockholders in interest, and then shall take the title to such property in the name of the trustees provided for by section three and ten of this act, for the use of said company.

SEC. 15. *And be it further enacted,* That when a vacancy may occur by death, resignation or otherwise, of any of

the trustees of said seminary, the survivors or the residue of said trustees shall fill the same in such manner as shall be pointed out by the by-laws and regulations of said incorporation, Vacancies in board of trustees, how filled.

SEC. 16. *And be it further enacted*, That it shall not be lawful for any person or persons to retail or vend ardent or intoxicating liquors within one mile of said seminary; Retail'g ardent spirits prohibited within one mile of seminary. and any person or persons so offending shall forfeit and pay the sum of five hundred dollars, recoverable before any court having competent jurisdiction thereof, one-half to the prosecutor and the other half to be paid into the county treasury.

SEC. 17. *And be it further enacted*, That the said stock company (a majority of the shares voting,) shall have power to lease said seminary or otherwise dispose of the same as to them may seem most profitable. Seminary may be leased.

SEC. 18. *And be it further enacted*, That all property owned by said trustees in their aforesaid corporate capacity, shall be vested in such body corporate in perpetuity for the use of said seminary. Property vested

SEC. 19. *And be it further enacted*, That all acts done and performed by said company previous to the passage of this act, not inconsistent with the same shall be and they are hereby legalised. Former acts legalised.

APPROVED, 1 February, 1850.

[No. 187.]

AN ACT

To confer certain powers on the Central Masonic Institute of Alabama.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Central Masonic Institute of Alabama be and is hereby authorised to grant diplomas and confer the usual degrees on the graduates of said masonic institute. May grant diplomas, confer degrees, &c.

APPROVED, 29 January, 1850.

[No. 188]

AN ACT

To amend the charter of the Masonic Institute at Dayton, in Marengo county:

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the act to amend an act entitled "an act to incorporate the Dayton Literary Association, and for other pur-

Ten trustees a
quorum for the
transaction of
business.

poses," approved January 24th, 1848, be and the same is hereby so amended as to enable and authorise ten in number of the trustees of the corporation by said act created or continued to be a quorum for the transaction of the business thereof.

APPROVED, 2 February, 1850.

[No. 189.]

AN ACT

For the benefit of the Carrollton Female Academy.

Powers confer-
red on the prin-
cipal.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be lawful for the principal of the Carrollton Female Academy, in the county of Pickens, to grant diplomas and confer degrees in the like manner and to the same extent that other like institutions in this state are by law authorised to do; and may cause to be made a common seal for said academy and affix the same to said diplomas or degrees, which shall require only the said seal and the signature of the principal of said academy for the time being to make them valid to all intents as other diplomas and degrees.

APPROVED, 26 January, 1850.

[No. 190.]

AN ACT

To revive the charter of the Pineland Academy, for certain purposes.

Act revived.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the act to incorporate the Pineland Academy, in Mobile county, approved January 9th, 1836, be and the same is hereby revived for the purpose of disposing of the property belonging to said corporation and paying the debts of the same.

Commissioners
to sell the pro-
perty and pay
debts.

SEC. 2. *And be it further enacted,* That T. L. Toulmin, Richard H. Redwood and William Jones, jr., are hereby appointed commissioners with power to sell the property of said corporation, either at private or public sale; and on any such sale to make and execute proper conveyances to the purchaser or purchasers, and out of the proceeds of such sale to pay the debts of said corporation, and if there be any surplus after paying the said debts, the said commissioners are required to pay the same *pro rata* to the stockholders.

APPROVED, 9 February, 1850.

[No. 191.]

AN ACT

To incorporate the East Alabama Masonic Institute, in Oak Bowery, Chambers County.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Joseph C. Sale, N. W. Kidd, T. J. Williamson, O. P. Jones, G. W. Hanson, — Darnard and S. F. Pilly, their associates and successors, be and they are hereby incorporated a body corporate and politic, in the name and style of the East Alabama Masonic Institute, and as such may sue and be sued, plead and be impleaded, answer and be answered unto, in all manner of suits or actions, both in law and equity, may receive and hold property, real, personal or mixed, for the sole use and benefit of the said institution, the same to alien or dispose of at pleasure, have and use a common seal, and make such rules, regulations and by-laws for the government of the said incorporation, as may be necessary, the same not being repugnant to the constitution and laws of the United States or of this state.

Corporators.

Name and style

Corporate powers.

SEC. 2. *Be it further enacted,* That the said trustees may employ any teacher or teachers for the said institution, fix the rates of tuition in the same; and may make such provisions for the conferring of diplomas, certificates or other evidences of scholarship, as to them may seem proper, and in fact to do and perform any and all acts incident to chartered institutions of learning in this state.

May employ teachers &c.

APPROVED, 11 February, 1850.

[No. 192.]

AN ACT

To authorise the sale of a part of the town common of Cahawba.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That with the assent of a majority of the legal voters of the town of Cahawba, the town council of the town may sell to the manufacturing company chartered at the present session of the legislature called the "Cahawba Manufacturing Company," any portion of the town common of Cahawba not exceeding twenty acres.

May sell lots, and how.

SEC. 2. *Be it further enacted,* That an election shall be held under the direction of the council to take the voice of the legal voters as to the sale.

Election shall be held.

SEC. 3. *And be it further enacted*, That a conveyance by the members of the town council, or a majority of them, made upon a sale had as aforesaid to the company by its corporate name or style shall vest the property absolutely in said corporation.

APPROVED, 25 January, 1850.

[No. 193.]

AN ACT

To repeal an act incorporating the town of Talladega.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an act incorporating the town of Talladega and approved the 28th day of February, 1848, be and the same is hereby repealed.

APPROVED, 25 January, 1850.

[No. 194.]

AN ACT

To amend the act incorporating the town of Allenton, in Wilcox county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the president and constables of said corporation shall have the same powers and be subject to the same liabilities as other justices of the peace and constables of said county; and that so much of said act of incorporation, approved the 23d day of December, 1847, as restricts the powers of said president and constables to the limits of said corporation be and the same is hereby repealed.

APPROVED, 5 February, 1850.

[No. 195.]

AN ACT

To incorporate the town of New Market, in the county of Madison.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the town of New Market, in Madison county, be and the same is hereby incorporated; and the bounds of said corporation shall be as follows: Commencing at a stake at the south end of the lane running through said town, thence at right angles two hundred yards on

each side of said road, running parallel with the same, north, so far as to include the grave yard and the lot now owned by Miss Coffman.

SEC. 2. *Be it further enacted*, That an election shall be held at the store house of Whitman, Saxon & Smith, on the second Wednesday in February next, and annually thereafter; the polls to be opened at 11 o'clock and close at 2 o'clock in the evening, for the purpose of electing by ballot five councilors, inhabitants of said town, who shall serve for the term of one year after they shall have been elected; the first election shall be managed by Jesse Randolph, F. T. Spivey, John Sanders, James F. Scurlock and James A. Clopton, or any two of them; and all subsequent elections shall be managed by two of the councilors, to be appointed by the board for that purpose; and the said councilors shall on the next day after their election in each year meet and elect by a majority of votes, from their own body, an intendant, whose duty it shall be to preside and keep order at all meetings of the said councilors; and in his absence any other member may be called to the chair; and the said intendant and council shall be and they are hereby constituted a body corporate by the name and style of the Intendant and Council of the town of New Market, and by that name they and their successors shall be capable in law of suing and being sued, of pleading and being impleaded in all manner of suits either in law or equity; also to have and keep a common seal, and the same to break, alter or amend at pleasure; and in general, to do all acts which are incident to bodies corporate; and to purchase, hold and dispose of for the benefit of said town, real, personal or mixed property, to the amount of five thousand dollars.

Election to be held for five councilors.

Managers of first election.

Intendant shall be elected.

Declar'd a body corporate.
Name and style.

Powers.

SEC. 3. *Be it further enacted*, That the intendant and councilors, before entering upon the duties of their office, shall take and subscribe the following oath before the judge of the county court or any justice of the peace for said county, viz: I do solemnly swear, or affirm as the case may be, that I will well and truly and to the best of my knowledge and ability execute and discharge the duties of intendant, (for intendant,) councilor, (for councilors,) of the town of New Market, without fear, favor or partiality, so help me God.

Intendant and councilors shall take oath.

SEC. 4. *Be it further enacted*, That any elector of said town who is of the age of twenty-one years or upwards, shall be eligible either to the office of intendant or councilor; and should the said intendant remove from the said town

Eligibility of voters.

Offices vacated
by absence.

or be absent therefrom for three months at any time without the consent of the councilors, his office shall be vacated ; and should any councilor or councilors remove from the said town or shall be absent therefrom for three months at any one time without the consent of the intendant and the other councilors, his or their office shall be vacated ; and it shall be the duty of the remaining part of the board forthwith to supply the vacancy or vacancies so occurring.

Vacancies, how
filled.

SEC. 5. *Be it further enacted*, That in the event of any vacancy occurring in the office of intendant either by death, resignation or otherwise, the councilors shall choose one of their body intendant *pro tempore*, who shall continue in office as intendant until the next succeeding annual election ; and further, if any vacancy shall happen in the body of councilors by death, resignation or otherwise, then and in that case it shall be the duty of the intendant to appoint managers to hold an election to fill such vacancy or vacancies ; who shall after giving five days' previous public notice proceed to open the polls for such election, and after the same it shall be their duty to make known to the successful candidate his election.

Eligibility of
voters defined.

SEC. 6. *Be it further enacted*, That all white free male citizens of the age of twenty-one years or upwards ; who shall have resided within the limits of said town three months immediately preceding an election for intendant and councilors, or either of them, and all householders or freeholders therein, who shall have resided within the limits of said town one month previous to said election, shall be qualified voters at said election for such intendant and councilors or either of them.

Meetings of the
board.

SEC. 7. *Be it further enacted*, That the intendant and councilors or a majority of them, shall have power to adjourn their meetings from time to time : *Provided*, The intendant may at any time call a meeting of the councilors by written notice, designating the time and place of meeting ; and on application of any two or more councilors the intendant shall call a meeting in like manner ; they shall keep a journal of all their proceedings and record all their official acts and doings ; and the yeas and nays on every question or subject shall be taken and recorded at the request of any member of the board ; and all deliberations of said intendant and councilors shall be public.

Intendant.

SEC. 8. *Be it further enacted*, That the intendant of said town *ex officio* be a justice of the peace within the limits of the same.

Sec. 9. *Be it further enacted,* That the said intendant and councilors shall have authority to enact such ordinances and by-laws as they may deem necessary for the good order and government of said town of New Market; to prevent and remove nuisances of every description and which may extend to the preservation of health; to establish night watches, patrols or town guards; to erect lamps; to regulating the paving or flagging, guttering and railing the side walks; to protect by adequate penalties shade and ornamental trees in said town; to provide for licensing and regulating such retailers of liquors as they may believe the interest of said town may require: *Provided,* Such person or persons as they may see fit to license shall have first obtained a license from the county court; to license, tax and restrain at pleasure theatrical amusements, shows and museums of all kinds whatsoever within said corporation; to clear and keep in repair the streets of said town; to restrain and prohibit all nightly and disorderly meetings of slaves, free negroes or mulattoes, and all other knavish or disorderly persons; to restrain and prevent all white persons and free persons of color and slaves from trading with slaves without a written order or permit from his or her or their owner or owners, agent or overseer; and in general to pass such ordinances and by-laws not contrary to the constitution of this state and the laws thereof as the said intendant and council shall from time to time deem expedient and necessary to carry into effect the meaning and objects of this act, and the same to put in execution, and to revoke and alter the same as shall be deemed expedient. The said intendant and council shall appoint a clerk, a treasurer, assessor, collector, and constable, and such other subordinate officers as they may deem expedient and necessary, and require such security for the faithful discharge of their duties as may be deemed adequate. The said intendant and council are hereby also empowered to impose appropriate fines, penalties and forfeitures for the breach of their ordinances and by-laws not to exceed ten dollars for every offence, recoverable with costs in the name of the intendant and council of the town of New Market, for the use of the town, before the intendant thereof; for which suit may be commenced by warrant returnable forthwith: *Provided,* That all ordinances and by-laws shall be subject to repeal by the legislature of this state, and that nothing herein contained shall be construed as to prevent appeals to the circuit or county court in the same manner and under the same rules and regulations as appeals are taken from justices of the peace.

General powers
of board in pass-
ing ordinances,
&c.

May levy and
collect tax.

SEC. 10. *Be it further enacted*, That the said intendant and council shall have power to levy and collect a tax on real estate not exceeding ten cents on every hundred dollars worth when the lots are improved with a house or houses and enclosures, and not exceeding twenty-five cents on every hundred dollars worth when the lots are not improved with a house or houses and enclosures, and not exceeding twenty-five cents on every hundred dollars worth of stock in trade and all personal property kept within the corporate limits of the town of New Market: *Provided*, The tax on real and personal estate be laid in proportion to the value thereof according to an assessment and valuation given by the owner or owners, his, her or their agent, or by the assessor appointed by the intendant and council; and should any person think his or her property assessed too high he or she shall have a right to complain to the intendant and council, who shall consider and reduce said assessment if in their opinion it has been placed too high by said assessor, and their decision shall be final.

Shall appoint
an overseer of
streets.

SEC. 11. *And be it further enacted*, That the intendant and council of the said town of New Market shall appoint an overseer or overseers of the streets of said town, and shall require and regulate the working on the same not exceeding ten days in each year, and may exempt at discretion from working on the same all persons they may think proper; and all persons living within the corporation liable by law to work on roads and highways by paying an additional poll tax not exceeding five dollars per head on each one so liable to work for the use of said town shall be exempt from working on the same: *Provided*, That all slaves in said corporation who are liable to work shall not be taxed as personal property.

APPROVED, 30 January, 1850.

[No. 196.]

AN ACT

To incorporate the town of Orion, in the county of Pike.

Corporate limits

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the town of Orion, in the county of Pike, be and the same is hereby incorporated; and the corporate limits of said town shall embrace an area of land one and a half miles square, the marginal lines of which shall be equidistant, east, west, north and south, from the centre of the Orion Male and Female Institute in said county.

SEC. 2. *Be it further enacted*, That an election shall be held in the town of Orion on the first Saturday in May, 1850, and on the same day biennially thereafter, to commence at one o'clock, P. M., and close at four o'clock, P. M., for the purpose of electing an intendant and four councilmen, inhabitants of said town, who shall serve for the term of two years and until their successors in office are duly elected and qualified, which election shall be held by some justice of the peace and two freeholders of said town; and all subsequent elections shall be conducted and held by the intendant and any two councilmen, and in the absence of the intendant, by a majority of the councilmen; all persons in the corporate limits being entitled to vote who are qualified to vote for members of the general assembly of this state.

Biennial election of intendant and councilmen.

SEC. 3. *Be it further enacted*, That the intendant and councilmen, together with the marshal and clerk, which they are hereby empowered to appoint, shall severally, before they enter on the discharge of their duties, subscribe and take the following oath, to wit: "I, A. B., (as the case may be, intendant, councilman, marshal or clerk,) do solemnly swear that I will to the best of my skill and ability discharge all the duties incumbent on me, so help me God;" a certificate of which oath shall be filed with the records of the board. And it shall be the duty of the intendant to preside at all meetings of the councilmen and preserve order and decorum, and in his absence or incapacity any councilman may be called to the chair; and the said intendant and councilmen are hereby declared and constituted a body politic and corporate by the name and style of "The Intendant and Council of the town of Orion;" by which name they and their successors in office shall be capable in law of suing and being sued, of pleading and being impleaded in all manner of suits either in law or equity; and they shall have full power to keep a common seal, and the same to break, alter and amend at pleasure, and in general to do and perform all acts which are usually incident to bodies corporate; to purchase, hold, use and dispose of for the benefit of said town real, personal or mixed property to the value of five thousand dollars, and no larger amount.

Shall take an oath of office.

Duty of intendant.

Corporate name and style.

Powers.

SEC. 4. *Be it further enacted*, That the intendant and councilmen, or a majority of them, are hereby invested with full power to keep open and in good repair the streets and alleys of said town; to preserve the peace and good order of the same; to fine for assaults and battery in any sum not exceeding twenty-five dollars, and the same to collect; to prevent and remove nuisances; to suppress

Powers over the streets and alleys.

Over retailers,
&c.

gaming of every description; to prohibit the sale of ardent spirits within said corporation; to establish night watchers and patrols, and punish for neglect of patrol duty; to restrain or tax shows or exhibitions in said town; and may impose a fine not exceeding one hundred dollars for every violation of the by-laws, for the purpose of carrying into effect the powers herein granted and all other powers necessary for the good government of said town and not inconsistent with the laws of this state.

May levy a tax.

SEC. 5. *Be it further enacted*, That the intendant and councilmen shall have power to levy a tax on the inhabitants and property of said town to raise money for the purpose of properly governing and managing the affairs of said corporation; and that they shall as soon as convenient after their election elect by joint ballot a clerk, treasurer and town marshal for said town; and it shall be the duty of said clerk to issue all executions for fines and taxes which may be necessary, signing the same and delivering the same to the marshal, whose duty it shall be to collect and pay over the same to the treasurer, which last named officer shall give bond and sufficient security to the intendant and councilmen before he enters upon the duties of his office.

Exemption of
citizens.

SEC. 6. *Be it further enacted*, That the citizens of said corporation shall be exempt from road duty other than within the corporate limits before described.

Powers of
board.

SEC. 7. *And be it further enacted*, That the intendant and councilmen shall have power to remove from office the clerk, treasurer and marshal, upon satisfactory reasons, and appoint others; and shall fix the salaries of such officers as in their judgment they may deem meet, and if by them thought advisable, taking bonds from the clerk and marshal for the faithful performance of duty.

APPROVED, 4 February, 1850.

[No. 197.]

AN ACT

To amend a certain act therein named.

Certain parts of
former acts re-
pealed.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the second, third, fourth and twelfth sections of the "Act to amend the charter of the city of Mobile, and the several acts in relation thereto, and for other purposes," approved the 6th of March, 1848, be and the same are hereby repealed.

SEC. 2. *And be it further enacted*, That the corporate authorities of the city of Mobile shall have authority to

assess and collect from all persons trading or carrying on any business, trade or profession within the limits of said city (mechanics carrying on their trades or journey-work excepted,) a license tax, which shall be assessed in three grades. The amount of the license tax of the first grade shall not exceed twenty dollars per annum; the amount of the second grade shall not exceed ten dollars per annum; and the amount of the third grade shall not exceed five dollars per annum; the amounts of said license taxes shall be fixed by ordinance from time to time as shall be deemed necessary; and when lesser rates are assessed, the amounts of the several grades shall bear the same proportion to each other as above. And it shall be the duty of the city assessor in assessing the city taxes to assess under each ordinance the persons subject to said license tax according to their true and proper grades respectively, and according to their best judgment, with a just regard to the extent, amount and profits of the trade, business or profession of the person so assessed; and no person shall be required to pay more than one of said grades in any one year; nor shall any person engaged in the retail trade be considered subject to any license tax other than one of the third grade; nor shall more than one license tax under this act be assessed against the partners of any firm trading or carrying on any business, trade or profession in said city in respect to the business of said firm where the firm is assessed: *And provided*, That nothing in this act shall be construed to apply to or affect licenses granted or which may be granted to retailers of liquors, keeper of taverns, billiard tables, nine or ten-pin alleys, circus or other theatrical exhibitions for public amusement; nor shall any tax assessed or paid on real or personal property of any party operate as an exemption from such license as herein provided; and all the provisions of the statutes heretofore passed conflicting with the provisions of this section are hereby repealed.

Powers in assessing taxes regulated.

APPROVED, 9 February, 1850.

[No. 198.]

AN ACT

TO define more perfectly the corporate limits of the town of Decatur, in the county of Morgan, and for other purposes therein named.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act the corporate limits of the town of Decatur, in the county of

Limits defined

Morgan, shall be as follows, to-wit: To commence at the point where the street between New Town and the factory lot touches the Tennessee river, extending sixty yards in said river from low water mark; thence down said river, following the meanders of the same so as to preserve sixty yards of the same, to the lower end of Old Town; thence on a line between Old Town and Alexander A. McCartney's field until it touches the rail road; thence on a line running back of the residence known as the Simon B. Sykes' lot to the street between the residence of John D. Rather and the female academy, and along said street to the upper end of New Town; thence on a line between New Town and said John D. Rather's field to the place of beginning, so as to include all the lots in the plan of both Old and New Town and Southfield's, as well as the residence known as the property of Simon B. Sykes above referred to, with a distinct understanding that the corporate authorities of said town of Decatur shall not be privileged to open a street back of the one now running in front of the residence of Simon B. Sykes, R. N. Walden, James W. Cain, W. R. Davis and John D. Rather, excepting such streets as are now in existence in that part of said town.

Exemptions from
corporation tax.

Proviso.

SEC. 2. *Be it further enacted*, That all slaves owned or in the employment of persons living within the corporate limits of said town of Decatur used exclusively for farming or planting purposes shall be exempt from corporation tax or street work: *Provided*, Said slaves shall be liable to road duty upon the same terms and conditions as now required by law.

Tax may be levied.

Proviso.

SEC. 3. *Be it further enacted*, That the corporate authorities of said town of Decatur be and they are hereby authorised to levy a tax on all property that is taxable by the state, except such property as is by the second section of this act exempt from taxation: *Provided*, The amount of taxes so levied shall not exceed one thousand dollars in any one year.

Corporation jail
may be used.

SEC. 4. *And be it further enacted*, That the corporate authorities of said town of Decatur be and they are hereby authorised to use a corporation jail for the purpose of enforcing such ordinances as may now be in existence, or may hereafter be created and established, for the preservation of good order in the said town of Decatur.

APPROVED, 14 December, 1849.

[No. 199.]

AN ACT

To enlarge and define the duties of the Intendant and Constable of the town of Carrollton.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act the intendant of the town of Carrollton, in Pickens county, shall have and exercise all the rights and privileges of a justice of the peace in all matters both civil and criminal; he shall perform the same duties, be subject to the same liabilities, and shall give the like bond with other justices in this state; and his jurisdiction shall in these respects extend throughout the beat in which the said town is situated. Powers of intendant enlarged.

SEC. 2. *And be it further enacted,* That the said intendant shall be elected by the qualified voters of said town on the first Monday in May next, and biennially thereafter. Election of intendant.

SEC. 3. *And be it further enacted,* That the constable of said town of Carrollton shall, upon giving bond as other constables are required to do, be entitled to exercise the powers and be subject to the duties and liabilities of constable of the beat in which the said town is located. Powers of constable enlarged.

APPROVED, 8 February, 1850.

[No. 200.]

AN ACT

Enlarging the powers of the Intendant and Council of the town of Eutaw, in Greene County,

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the intendant and council of the town of Eutaw, in Greene county, be and they are hereby fully authorised and empowered to regulate and prescribe the terms upon which any billiard table, or ten pin alley, or any other table or alley of the like character or description, whether a greater or less number of pins or any substitute be used therefor in playing thereon, may be kept within the corporate limits of said town; that they may grant a license to any person or persons desiring to keep any such table or alley on such terms, and require such sum to be paid therefor as they may think proper. May regulate license for billiard tables &c.

SEC. 2. *And be it further enacted,* That if any person or persons shall keep, or cause to be kept, any such table or alley, within the corporate limits of said town, without first having obtained a license therefor, and shall be thereof Penalty for keep'g billiard table &c. without license.

convicted before said intendant, or any member of the council, he or they may be fined in any sum, not to exceed twenty-five dollars for each and every day, or part of a day, the same may be so kept or used for the purpose of playing; and the table or alley so kept, together with all the implements used in playing thereon, may be sold by the marshal of said town, on giving ten days' notice by advertisement, to pay said fine, and all costs which may have accrued thereon, whether such table or alley belongs to the person or persons so keeping it or not.

Failing to pay
fine, may be im-
prisoned.

SEC. 3. *And be it further enacted*, That if any person or persons having been convicted as aforesaid shall fail to pay such fine as may be assessed against him, he or they may be imprisoned by order of the intendant or member of the council before whom he or they are tried, in the county jail of Greene county, for any length of time, not exceeding twenty-four hours for any one offence; and it is hereby made the duty of the jailor of said county to receive into his custody all persons who may be ordered to be imprisoned either under this act or any other act now in force in said town, upon being paid or tendered the usual fees prescribed by law in other cases.

Powers extend-
ed.

SEC. 4. *And be it further enacted*, That all the powers conferred by the previous sections of this act upon said intendant and council to regulate and prescribe the terms upon which billiard tables and ten pin alleys may be kept, by granting license and imposing fines and penalties, be and they are hereby extended to the business of retailing spirituous liquors.

APPROVED, 4 February, 1850.

[No. 201.]

AN ACT

To authorise the Intendant of the Council of the town of Selma to subscribe to the capital stock of the Alabama and Tennessee River Rail Road Company.

May subscribe
for \$50,000 st^d k.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in conformity with the wishes of the people of the town of Selma, in the county of Dallas, expressed through their written petition, that the intendant of the town council of said town of Selma be and he is hereby authorised and empowered for and on behalf of said town, in its corporate character and capacity, to subscribe for and take stock in the Alabama and Tennessee river rail road company to an amount not exceeding in all the sum of fifty thousand dollars.

SEC. 2. *And be it further enacted*, That for the purpose of providing funds to pay for said stock so subscribed, the said intendant shall have power and he is hereby authorised to issue and sell bonds of said town on the faith and credit of said town in such sums as he may think proper, not exceeding in the whole the subscription which may be made to said stock, as hereby authorised, and bearing interest not exceeding eight per centum per annum, and payable at such time or times, and at such place or places, as said intendant deems proper.

Bonds may be issued to pay stock.

SEC. 3. *Be it further enacted*, That the said intendant be and he is hereby authorised and empowered to sell, convey, lease, mortgage, or otherwise dispose of as may be deemed best, the whole or any part of the real estate belonging to said town in its corporate character, either to raise funds to pay such subscription as may be made to the stock of said company, or to provide for the security or payment of the bonds which may be issued under and by virtue of this act.

May sell &c. real estate belonging to Selma.

SEC. 4. *And be it further enacted*, That the said intendant be and he is hereby authorised and empowered to pledge the stock which may be subscribed for, and on behalf of said town or the certificate thereof, or any part thereof in any manner which may be desired for the security of the said bonds or any part thereof.

May pledge st'k

SEC. 5. *And be it further enacted*, That the said intendant be and he is hereby empowered to sell and transfer said stock or any part thereof, and may apply the proceeds to the payment or redemption of any portion of said bonds which may be unpaid whether due or not: *Provided*, as a part of this act, that the amount of the stock to be subscribed for and the terms and conditions of said subscription shall, before any subscription is made, be determined and sanctioned by as many as two-thirds of the council of said town including the intendant.

Stock may be sold and proceeds applied in redeem'g bonds

SEC. 6. *Be it further enacted*, That the intendant and council of said town shall have power and authority, with the concurrence of three-fourths of the members of said council including the intendant, to levy and collect a tax on property and persons within the corporate limits of said town at the rate of fifty per cent. or any less rate on the tax of the state as fixed by the existing law; and the said intendant and council shall have power and authority to do all other acts and things, not inconsistent with this act nor the laws of the state, which may be necessary and proper to give full effect to the objects and provisions of this act.

May levy a tax.

APPROVED, 5 February, 1850.

[No. 202.]

AN ACT

To amend the charter of the town of Eufaula.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter the intendant and council of the town of Eufaula may levy a tax on amount of sales made by all merchants and salesmen, not exceeding the one-fifth of one per cent. on the amount thereof, instead of levying said tax on the stock in trade, as now provided by law.

Powers in levying tax.

SEC. 2. *Be it further enacted,* That in all cases where persons fail or refuse to render a schedule of their taxable property, the clerk of the council shall have power to assess the same; and on the failure or refusal of such persons or any one else, to pay the taxes due said town, the clerk shall issue an execution for the amount thereof, against said defaulter and in favor of "The Intendant and Council of the town of Eufaula," and deliver said execution to the marshal of said town, whose duty it shall be to levy the same on the personal or real estate of said defaulter, and to sell so much of said estate as will pay said taxes and all costs.

Proceedings where persons refuse to render schedule of taxable property.

SEC. 3. *Be it further enacted,* That in case there be situated in said town of Eufaula any real estate, the owner of which fails to make return or schedule of the same and is unknown to the clerk of the council, the said clerk shall assess said property; and if the taxes be not paid on the same as required by the by-laws or ordinances of said town council, the said clerk shall issue a *venditioni exponas* in favor of "The Intendant and Council of the town of Eufaula," directed to the marshal of said town, commanding him to sell so much of said real estate as will pay said taxes and all costs, and no more.

Real estate may be sold for taxes

SEC. 4. *Be it further enacted,* That all property sold under this act for taxes due to the said corporation of Eufaula, shall be advertised in some newspaper published in said town by four weekly insertions prior to the sale thereof, or by writing at three public places in said town if there be no paper printed therein, and shall be sold at public outcry before the market house in said town between the hours of ten in the forenoon and four in the afternoon of the day of sale; and such sale shall convey to the purchaser all the interest, title and estate in and to the property sold, which belonged to the owner thereof at the time of said sale or at the time of the assessment of the taxes: *Provided,* That real estate when sold may be redeemed by the owner thereof on payment to the clerk of all taxes due said

Sales of property for taxes to be advertised.

Proviso.

corporation and costs incurred in respect thereof, which may remain or be unpaid, and on payment to the purchaser of said estate the amount of purchase money with twenty-five per cent. interest thereon per annum from the day of sale, which said right of redemption shall continue for the space of one year from the day of sale, and no longer; any law, usage or custom to the contrary notwithstanding.

SEC. 5. *And be it further enacted*, That the execution *venditioni exponas* under which any estate may have been sold for taxes by virtue of this act, and the marshal's deed duly proven and recorded, shall be held and taken as *prima facie* evidence of title in the purchaser by all the courts of this state. Of title to such real estate.

APPROVED, 8 February, 1850.

No. 203.]

AN ACT

To repeal an act incorporating the town of Greenville, in Butler county, and for other purposes.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act all laws and parts of laws incorporating the town of Greenville, Butler county, be and the same are hereby repealed. Repeals.

SEC. 2. *Be it further enacted*, That the judge of the county court and commissioners of roads and revenue of Butler county shall lay off one mile square so that the court house shall be in the centre, which shall constitute the road precinct; and all persons living within those limits that are subject to road duty shall be subject to work in the streets and roads in those limits and be subject to the same penalties for neglect or refusal as other road lands. Town to be laid off into a road precinct.

SEC. 3. *And be it further enacted*, That the judge of the county court and commissioners of roads and revenue shall appoint some discreet person as overseer, whose duty it shall be to call out the hands by giving the same notice that is required of other overseers and superintend the working the streets and roads and to keeping them in good order; and if he should refuse or neglect to do so after his said appointment, to be subject to the same pains and penalties as other overseers now are by the road law. Streets to be worked.

APPROVED, 7 February, 1850.

[No. 204.]

AN ACT

To extend the corporate limits of the city of Montgomery.

Enlarged.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all of the west half of the north-east quarter of section seven, township sixteen, range eighteen, be and the same is hereby included in the corporate limits of the city of Montgomery as fully as if the same had been included in all the acts incorporating said city.

APPROVED, 13 February, 1850.

[No. 205.]

AN ACT

To amend the charter of the town of Greensboro. in Greene county.

May erect a
guard house.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the intendant and council of the town of Greensboro., in Greene county, be authorised to erect at the cost of said corporation a guard house or jail within the corporate limits of said town.

Authority to ar-
rest slaves de-
fined.

SEC. 2. *Be it further enacted,* That the corporate authorities of said town be authorised to arrest or cause to be arrested any slave or slaves found going at large within the corporate limits of said town without a proper permit or pass from the owner, overseer or agent, or person entitled to the possession of such slave, and to arrest or cause to be arrested any slave or slaves who may be guilty or suspected of the commission of any crime or misconduct within the corporate limits of said town, and to commit any and all such slaves to the guard house or jail of said town, there to be confined until the owner, overseer, agent, or person entitled to the possession of such slave or slaves shall make application for his, her or their discharge.

May provide
for imprisonm't
of slaves.

SEC. 3. *Be it further enacted,* That the said intendant and council be authorised to make such by-laws as may be necessary for providing all imprisoned slaves with food and water; to make a reasonable charge for his, her or their board and commitment, (not to exceed the charge made by the sheriffs of this state for the board of runaway slaves,) for the management of said jail or guard house.

APPROVED, 12 February, 1850.

[No. 206.]

AN ACT

To authorise the Mayor and Aldermen of the town of Huntsville to subscribe to the capital stock of the Memphis and Charleston Rail Road Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the mayor and aldermen of the town of Huntsville, by and through the said mayor and aldermen; and by the subscription of the mayor on the books of the Memphis and Charleston rail road company, be and are hereby authorised to subscribe for any sum not exceeding fifty thousand dollars of the capital stock of said company, or to subscribe that sum for any rail road, leading from Memphis, Tennessee, through the said town of Huntsville and connecting with the rail road leading to South Carolina and Georgia.

Mayor and aldermen may subscribe \$50,000.

SEC. 2. *Be it further enacted,* That the said mayor and aldermen be and they are hereby authorised to raise money on loan, by pledging the faith of the corporation, by pledging a portion of its taxes, by mortgage or otherwise, as to them may seem best, to an amount not exceeding what may be demanded for the calls upon the stock aforesaid; and said loan may be created for such length of time, and payable in such manner, as by the said mayor and aldermen may be deemed best.

May raise money on loan.

SEC. 3. *And be it further enacted,* That the said mayor and aldermen be and they are hereby authorised, if to them it shall seem best, instead of making a loan as aforesaid for the whole amount of said calls, or any part thereof, to issue the bonds of said corporation under its corporate seal, to be signed by its mayor and countersigned by its clerk, for the whole sum subscribed as aforesaid, or any part of it which may be called for by said rail road company, on said stock; that the bonds so to be issued shall be in sums of not less than five hundred dollars each; that they shall not bear a greater interest than six per cent. per annum; and shall not be payable at a greater distance of time than thirty years, and that for the payment of the interest and the principal of said bonds, the said mayor and aldermen be and are hereby authorised to pledge the faith of the said corporation, and the taxes which by their charter they are authorised to raise.

Bonds may be issued for the loan.

APPROVED, 9 February, 1850.

[No. 207.]

AN ACT

Amending the act incorporating the city of Wetumpka.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the amount of bonds issued under the provisions of the first section of said act may be extended to one hundred thousand dollars, and the money arising from the sale of said bonds may be appropriated under the supervision and direction of the mayor and aldermen of Wetumpka for any purpose of internal improvement for the benefit of the citizens of Wetumpka.

APPROVED, 1 February, 1850.

[No. 208.]

AN ACT

To incorporate the Conecuh Navigation Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That T. H. McIver, J. W. Ethridge, Gunn and McLean, H. T. Sterns, J. H. McCreary, E. McCreary, C. Jones, A. B. Mitchell, W. J. Mitchell, J. G. Barrow, Jno. Smith, Jno. Ward, Benjamin Hart, A. Perryman and Daniel Saltsman and their associates be and they are hereby constituted a body corporate and politic with a capital stock of twenty-five thousand dollars, under the name and style of "The Conecuh Navigation Company;" and the said company shall be capable of suing and being sued, pleading and being impleaded, answered and being answered, defending and being defended in any court of law or equity in this state, and to do and perform all things incident to a body corporate and not repugnant to the laws of this state or the laws of the United States.

SEC. 2. *Be it further enacted,* That the said company shall be and are hereby authorised to have and enjoy the exclusive right to navigate the Conecuh and Sepulga rivers with steamboats from the Florida line to Brooklyn and to Montezuma for the term of fifteen years from the passage of this act: *Provided,* That said company shall within two years after the passage of this act clear out from the bed and banks of the said rivers such logs, snags and trees as obstruct the navigation of the same by steamboats, and after the expiration of the said two years will keep a good and safe steamboat or boats on said rivers when boatable, sufficient for the transportation of the cotton and other produce upon said rivers: *And provided further,* That said company shall continue until the expiration of their charter to keep said rivers clear of such obstructions to navigation as already prescribed in this section.

Powers in issuing bonds enlarged.

Corporators.

Name and style

Powers.

Exclusive privileges of corporation on conditions stipulated.

SEC. 3. *Be it further enacted*, That the said company shall be and are hereby authorised to charge for freight and passage the following rates: For each bale of cotton freighted to Pensacola, not exceeding one dollar and fifty cents; for each barrel of return freight, one dollar; and in such proportion for all other freights; and the rates of fare for passengers shall not exceed five cents per mile for cabin, and two and a half cents per mile for deck passage.

May charge for freight.
Rates.

SEC. 4. *And be it further enacted*, That if the said company shall fail or neglect to keep a steamboat upon said rivers as required by the second section of this act, for the space of sixty days at any one time, then and in that case the said rivers shall be free for any person to navigation with steamboats: *Provided further*, That nothing in this act shall be so construed as to prevent citizens from navigating said rivers with flat boats, barges or rafts.

Penalty on corporation failing to perform stipulations.

APPROVED, 12 February, 1850.

[No. 209.]

AN ACT

To incorporate the Union Bridge Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That a stock company shall be established for the purpose of erecting a toll bridge across the Cahawba river at some suitable point in the direction of the town of Marion, Perry county, from the town of Selma, in Dallas county, at the place where a bridge which was destroyed by fire formerly stood, or within one mile thereof up or down the river; the place to be selected by three commissioners to be appointed by said company for that purpose; the capital stock of which company shall not exceed ten thousand dollars, divided into shares of twenty-five dollars each: *Provided*, That said bridge shall be so constructed as not to obstruct the navigation of said river.

Company established.

Capital stock

Proviso.

SEC. 2. *Be it further enacted*, That books of subscription to the capital stock of said company shall be opened in the town of Selma, Dallas county, under the superintendence of Frederick S. Becton, James B. Harrison and William Johnson, or a majority of them, and in the town of Marion, Perry county, under the superintendence of William N. Wyatt, Hugh Davis and Edward A. Blunt, or a majority of them, at such time or times as the said commissioners acting may appoint: *Provided*, That before opening said books of subscription at least ten days notice thereof shall be given by advertisement in some newspaper published in the

Commissioners to receive subscriptions.

Proviso.

county in which the books may be opened ; and said books when opened shall remain open until a sum sufficient in the opinion of the commissioners acting for the completion of the bridge shall have been subscribed ; the said subscription to be paid in such installments and at such times as the president and directors to be elected under this act may designate.

SEC. 3. *Be it further enacted,* That the subscribers to the said company, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the "Union Bridge Company," and by that name shall be and are hereby made able and capable in law to sue and be sued, to plead and be impleaded, answer and be answered, defend and be defended in any suit, action, matter or thing depending in any court of law or equity ; and also to make and use a common seal, and the same to break, alter or renew at pleasure ; and also to make, ordain, establish and put in execution such by-laws and regulations as they may deem necessary for the government of said company not incompatible with the laws of this state.

SEC. 4. *Be it further enacted,* That as soon as a sufficient sum (in the opinion of the commissioners who may act,) shall have been subscribed for the completion of said bridge, notice thereof shall be given by advertisement in some newspaper published in the county in which the greatest number of subscribers may reside ; and at the same time notice shall be given in the same manner of the time and place of holding the first election of directors at least ten days previous to the time of holding the same, which election shall be presided over by two or more of the commissioners appointed by this act, who shall be judges of said first election, which election shall be by the same vote as is provided for in the fifth section of this act.

SEC. 5. *Be it further enacted,* That for the management of said company the stockholders shall annually elect three directors by the qualified stockholders of said company and by a plurality of votes, giving one vote for every share of twenty-five dollars ; and the said directors so chosen shall be capable of serving until the next annual election or until their successors are qualified ; and the board of directors shall annually elect at the first meeting after their election one of the directors to be president of said corporation, who shall hold his office for one year or until his successor is elected : *Provided,* When a vacancy shall occur, by resignation or otherwise, the board shall

have power to fill said vacancy from any of said stockholders.

SEC. 6. *Be it further enacted*, That it shall be lawful for the directors to call a general meeting of the stockholders at any time they may deem expedient and necessary, and any number of stockholders owning at least one-third of the stock shall have power at any time to call a general meeting, giving at least twenty days' notice in a newspaper published in the county and stating the object of said meeting.

General meeting of stockholders may be called.

SEC. 7. *Be it further enacted*, That the property of the aforesaid bridge when built shall be and the same is hereby vested in said corporation; and they may demand and receive on the completion of said bridge toll according to the following terms, to-wit: For every four wheel carriage, fifty cents; for every two wheel pleasure carriage, or or other two wheel carriage, cart or other vehicle, twenty-five cents; for every man and horse, ten cents; for each loose horse, five cents; for each foot passenger, five cents; for each head of cattle, two cents; for each head of hogs, two cents.

Bridge vested in corporation.

Rates of toll.

SEC. 8. *Be it further enacted*, That it shall be the duty of said corporation to keep said bridge in good repair as long as they may think proper to receive toll. They shall be bound for all injuries which shall be sustained in passing said bridge: *Provided*, Said injury result from the negligence of the keeper or from want of repairs to the bridge.

Bridge shall be kept in repair.

SEC. 9. *Be it further enacted*, That it shall be the duty of the commissioners appointed to select a site for said bridge also to select a site for a road leading to and from said bridge and to mark out the same and apply to the judge of the county court and commissioners of roads and revenue for a jury to assess the damages for the land the road may pass through, and also for the timber used in the erection of said bridge, whose duty it shall be to appoint said jury, and as soon as the damages shall be paid by said company to order the road to be opened under the same rules and restrictions as other public highways; and which road shall be of the first grade until it shall intersect other roads.

Duty of commissioners.

SEC. 10. *And be it further enacted*, That the county court of the county in which said bridge shall be erected shall be and they are hereby authorised, whenever it may in the opinion of the judge thereof be deemed necessary, to appoint suitable commissioners to inspect the situation of the bridge, and if a majority of them shall report that the bridge is not in good order and fit for passengers, the court

Power and duty of county court.

shall have power to suspend the collection of toll until said bridge shall be put in good repair.

APPROVED, 31 January, 1850.

[No 210.]

AN ACT

To incorporate the Chickasaw and Waterloo Bridge Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the persons who may become stockholders in the Chickasaw and Waterloo bridge company according to the provisions of this act be and they are hereby created a body politic and corporate by the name and style of "The President and Directors of the Chickasaw and Waterloo Bridge Company," with power to hold real and personal estate, to sue and be sued, plead and be impleaded in any court of law or equity; to have and employ a common seal, and to alter the same at pleasure; to make, amend and repeal all necessary and proper by-laws for the government of said corporation not inconsistent with the laws and constitution of this state or of the United States.

Body politic.

Name and style

Powers.

Capital stock.

SEC. 2. *Be it further enacted,* That the stock of said corporation shall be divided into shares of one hundred dollars each; and when there shall be subscribed the sum of sixty thousand dollars, the owners of any ferry across the Tennessee river within one and a half miles of the town of Chickasaw shall be permitted to subscribe their respective shares or interest in said ferry and ferry landings at such rate as may be agreed to by said bridge company, and the interest so subscribed shall become a part of the capital and joint stock of said corporation; and when the whole interest in said ferry and landings shall be subscribed according to the provisions of this act, the said corporation shall be vested with the whole title thereto, both in law and equity, to be held by them and their heirs and successors forever upon the completion of the bridge according to this act.

Commissioners
to receive sub-
scriptions.

SEC. 3. *Be it further enacted,* That Isaac Lane, Jas. W. Francis, Elijah Chandler, J. W. Thorn and Jno. W. Townsend be and they are hereby appointed commissioners to receive subscriptions for the purpose of erecting a bridge across the Tennessee river, at the towns of Chickasaw and Waterloo, whose duty it shall be to open books for the subscription of stock at such times and places as they may think proper, and to keep said books open until the sum of sixty thousand dollars shall be subscribed.

SEC. 4. *Be it further enacted*, That when the sum of sixty thousand dollars shall be subscribed, exclusive of the subscription of any ferry under the provisions of this act, it shall be the duty of said commissioners to call a meeting of said stockholders for the purpose of electing a president and four directors of said bridge company; and said president and directors, when elected, shall take an oath faithfully to discharge the duties of directors of said corporation, and continue in office for one year and until their successors shall be duly qualified.

\$60,000 subsc'd
company may
organise.

SEC. 5. *Be it further enacted*, That said president and directors shall have power to make and perform all necessary contracts for erecting said bridge and carrying on all other business of said corporation; and they shall have power to appoint all officers and employ such servants as may be necessary for managing the affairs of said corporation; and that the stockholders shall be individually liable in proportion to their respective shares for all contracts made, bonds, bills and notes executed by said president and directors in the name of said corporation. whether the same be under its seal or not: *Provided*, Said corporation shall not have power to exercise the business of banking or to issue any note or notes, bill or bills, to circulate as money.

May make con-
tracts.

Liability of
stockholders.

SEC. 6. *Be it further enacted*, That if any subscriber of stock in said bridge company shall fail to pay his installments as required by said president and directors, they shall have power to declare such shares forfeited to the company; and after giving thirty days public notice to offer them for sale at public auction for ready money, or so many as will be sufficient to pay the amount then due and called in. A sale thus made shall vest the purchaser with all the rights of the original holder, but shall not release such holder from the payment of any balance that may be due on his subscription, should the stock sold produce less than the whole amount subscribed therefor; and should the money called in be paid before the sale actually takes place, together with the costs incurred preparatory to such sale, it shall restore the stock to the original holder, notwithstanding the forfeiture.

Failure to pay
stock may be
sold.

SEC. 7. *Be it further enacted*, That the rates of toll for crossing on said bridge shall never exceed the rates charged at present by the Florence bridge company for crossing their bridge.

Rates of toll.

SEC. 8. *Be it further enacted*, That said corporation shall and may hold annual meetings of the stockholders, at which the president and directors shall lay before them an account of their proceedings of the preceding year, show-

Meetings of di-
rectors and
stockholders.

ing all disbursements and receipts of said corporation ; at which or some other general-meeting of said stockholders, the president and directors of said company shall be elected, and at such meeting only shall the capital stock of said bridge company be increased.

Vested rights. SEC. 9. *And be it further enacted*, That no bridge shall be erected under the provisions of this act which shall interfere with or in any wise obstruct the navigation of the Tennessee river either in high or low water.

APPROVED, 12 February, 1850.

[No. 211.]

AN ACT

To authorise Henry C. McCollum and his associates to erect a Toll Bridge across New River.

May erect. bridge. SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Henry C. McCollum and his associates be and they are hereby authorised to erect a toll bridge over New River at or near where the road now crosses said river leading from Tuskaaloosa to Florence, on land belonging to the said McCollum and his associates in section 19, of township 14 and range 11 west, in the county of Fayette :
 Proviso. *Provided*, That the bridge shall be so constructed as not to obstruct the free navigation of any flat boat or water craft which may hereafter navigate said river at an ordinary stage of water ; and the said Henry C. McCollum shall be and is hereby authorised to charge the following rates of toll for said bridge, to wit : For a wagon with four or more horses, fifty cents ; for a wagon or cart with one or two horses, twenty-five cents ; for pleasure carriages, twenty-five cents ; for man and horse, ten cents ; for a single person, five cents ; for every single horse, five cents ; for every head of cattle, sheep or hogs, three cents.

Rates of toll. SEC. 2. *And be it further enacted*, That it shall be the duty of the said Henry C. McCollum and his associates, Shall keep bridge in repair. and their heirs and assigns, when the said bridge shall have been completed to keep the same in perfect order and repair ; and the said Henry C. McCollum and his associates, and their heirs and assigns, are hereby rendered liable to make good all damages that any person may sustain either Liability for damages. in person or property from his or their failure so to keep said bridge in repair.

APPROVED, 14 January, 1850.

[No. 212.]

AN ACT

To incorporate the Sipsey River Navigation Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the persons who may become stockholders in the Sipsey River Navigation Company according to the provisions of this act shall be and they are hereby created Body politic. a corporation and body politic by the name and style of the "President and Directors of the Sipsey River Navigation Company;" and by that name and style shall be and Name and style they are hereby made able and capable in law to have, purchase, receive, possess, enjoy and realise to themselves and their successors and assigns, lands, rents, tenements, hereditaments, goods, chattels and effects of whatsoever kind, nature or quality, in any amount not exceeding one hundred and fifty thousand dollars including the capital stock of said company; and the same to grant, sell, demise, alien, lease or dispose of; sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts having competent jurisdiction; and also to make, have and use a common seal, and the same to break, alter and renew at pleasure; and also to ordain, establish and put in execution such by-laws, ordinances and resolutions as they may deem necessary and convenient for the good government of said corporation, not being contrary to the constitution or laws of this state or of the United States; and generally to do and execute all and singular the acts, matters and things which to them may appear necessary to be done, subject, nevertheless, to the rules, limitations and provisions hereafter prescribed and declared. Powers.

SEC. 2. *And be it further enacted,* That Samuel B. Abernathy, B. W. Wilson, E. P. Jones, Moses Waters, John C. Moore, Wm. P. Phillips, David Thornton, John Hollingsworth, Reuben Casen, Pressly W. Phillips, Geo. M. Neal, John C. Robinson, Wm. R. Smith, R. J. Murray, Alvis Davis, Thos. Wolstenholm, Robert Nichols, Lyles Box and Chas. A. Stewart be and they are hereby appointed commissioners, any two of whom shall be competent to act in all business necessary to be done by virtue of this act of incorporation, and under the direction of whom subscriptions may be received to the capital stock of said company; and they shall from time to time cause books to be opened at Fayetteville, Fayette county, and such other places as they may think proper, for the purpose of receiving subscriptions to the capital stock of said company until, not less Commissioners to open books of subscription.

than five hundred shares be subscribed ; and shall give not less than twenty days' notice of the time and place of opening said books ; and the subscribers of stock thus subscribed for shall after the organisation of said company pay five dollars on each and every share ; of which payment at least twenty days' previous notice shall be given.

Shares of stock SEC. 3. *And be it further enacted,* That the stock of said corporation shall be divided into shares of one hundred dollars each, transferrable by endorsement and entry thereof in the books of said company under such rules and regulations as the president and directors of said company shall establish by their by-laws ; and the holder thereof shall be entitled to all the benefits and subject to all the liabilities of an original stockholder.

500 shares subscribed company may organize. SEC. 4. *And be it further enacted,* That so soon as five hundred shares of said capital stock shall have been subscribed, the said commissioners empowered to act as aforesaid shall cause a general meeting of the subscribers at such time and place as they may appoint ; and shall give at least thirty days' notice thereof ; and at such meeting the said commissioners shall lay the subscription books before the subscribers then and there present ; and thereupon said subscribers or a majority of them in value present or by proxy, shall elect five directors to manage the affairs of said company, who shall be owners of stock in said company ; and the directors thus chosen shall at their first meeting elect from among themselves a president of said company ; and in said elections and on all other occasions whenever a vote of stockholders of said company shall be necessary to be taken, each stockholder shall be allowed one vote, to be given personally or by proxy, for every share owned by him or her ; and the said president and directors elected under this section shall hold their offices until the first Monday in March thereafter, and until their successors shall be duly elected and qualified.

President and directors to be elected annually. SEC. 5. *And be it further enacted,* That the president and directors of said company shall thereafter be elected annually on the first Monday in March, at Fayetteville or such other place as a majority of stockholders in value of said company may prescribe, in each and every year ; and if any vacancy shall occur by death, resignation or refusal to act of any president or director before the expiration of the time for which they were elected, such vacancy shall be filled for the balance of such time by the president and directors in office or a majority of them ; and all elections which are by this act or by the by-laws of said company

to be made on a certain day or at a particular time, may be made within thirty days thereafter.

SEC. 6. *And be it further enacted,* That any president or director of said company before he acts as such shall swear Oath. or affirm, as the case may be, that he will well and truly discharge the duties of said office to the best of his skill and ability.

SEC. 7. *And be it further enacted,* That the president and directors of said company, after they shall have been organised, may as often as they shall deem for the welfare of the corporation, on giving thirty days' notice thereof, proceed to open books for further subscriptions of stock at such place as they may think fit; and they may at their discretion continue the said subscriptions of the capital stock until the amount taken be equal to one hundred thousand dollars, when no further subscription for stock shall be received unless the same shall be authorised by a majority of stockholders in value at some called meeting, and the amount of such increase to the capital stock shall be by them particularly designated. Books may be opened for further subscriptions.

SEC. 8. *And be it further enacted,* That the president and directors of said company shall have power to borrow General corporate powers defined. money, contract debts and be contracted with upon the credit of the stock of said company, and to issue notes or other evidences of such loan or debts, and to provide for the payment of the interest on the same, and to pledge the personal and real estate of said company for the payment of its debts and loans; and they shall have power to require the payment of stock by subscribers in such installments as they may deem for the interest of said company: *Provided,* That said directors shall not have power to require more than five per cent. on said stock every ninety days: *And provided further,* That nothing in this section or other parts of this act shall be so construed as to confer on said company the powers and privileges of a banking company, or to issue notes for circulation as money; and if any subscriber of stock in said company shall fail to pay his installment as required by the said president and directors, they, the said president and directors, shall have power to declare such shares forfeited to the company, and after giving thirty days' notice to offer them for sale at auction for ready money, or so much as will be sufficient to pay the amount due and called for, and a sale thus made shall vest the purchaser with all the rights of the original holder, but shall not release such stockholder from the payment of any balance that may be due on his subscription at the time of

sale. Should the stock sold produce more than the whole amount due and called for together with the cost incurred preparatory to the said sale, the surplus shall be paid over to the original holder, and the stock of said company shall be deemed and considered in law as personal property.

Meeting of stockholders may be called. SEC. 9. *And be it further enacted*, That the said president and directors shall have the power to call meetings of the stockholders at any time, stating in the call the business to be done; and no other shall be transacted at such called meetings, and the majority of the stockholders in value of stock, may also themselves, or by their proxies, at any time call meetings of the said stockholders, on giving thirty days' notice; and at such call meetings a majority of stockholders in value shall have power to remove any president or director and elect others in their stead.

Annual statement to be made out. SEC. 10. *And be it further enacted*, That on the first Monday in March in each and every year it shall be the duty of the said president and directors to exhibit a clear and distinct statement of the affairs of the company, for the information of the stockholders; and each and every one of them, personally or by proxy, is hereby fully empowered to inspect and thoroughly examine the same.

Company may open and improve navigation of Sipsey river. SEC. 11. *And be it further enacted*, That the president and directors of said company shall have power and authority to open and improve the navigation of the Sipsey river, from its mouth to the fork of said river, in Marion county, by removing the obstructions therein and opening a canal or canals, or any such other way as the company may deem expedient: *Provided*, That no such improvement shall be made on the land of others without the consent of the owner or owners previously obtained for that purpose.

Proceedings for obtaining certain rights. SEC. 12. *And be it further enacted*, That if said company cannot obtain the consent of the owner or owners of the land through which they may wish to pass, it shall be lawful for said company to apply for and obtain a writ of *ad quod damnum*, as in other cases; directed to the sheriff of the county in which the same may be, whose duty it shall be to summon a jury of twelve freeholders in said county and cause an inquest to be taken of such land as may be necessary for the said corporation to use in the navigation of said stream; and all damages which the owner or owners thereof may sustain; which inquest shall be returned to the county court in which the same may be, at the next succeeding term thereof; and the clerk of the said court shall, at the request of the president

of said company, issue a summons directed to the sheriff of said county, commanding him to summon the proprietors of said land condemned as aforesaid, to show cause why judgment should not be rendered in the said county court vesting the title in said company.

SEC. 13. *And be it further enacted*, That said county court shall have power to confirm the inquest of said jury or quash the same for good cause shown; and if confirmed, to vest the fee simple to said land in the president, directors and company and their successors, upon their payment of the value of said land assessed by the jury aforesaid. Duty of county court.

SEC. 14. *And be it further enacted*, That if either party shall consider themselves aggrieved by the judgment of said court, they shall have the right to appeal to the next term of the circuit court of said county, which shall be granted by said county court, upon the party praying the appeal entering into bond and security approved by said court to prosecute said appeal with effect. Right of appeal.

SEC. 15. *And be it further enacted*, That said company shall be authorised and allowed to erect any water works they may think proper on said stream: *Provided*, The same shall in nowise impede or obstruct the navigation thereof: *And provided further*, That all such water works shall be erected on lands belonging to said company. May erect water works.

SEC. 16. *And be it further enacted*, That the exclusive right and privilege to navigate said stream from its mouth to the fork of said stream in Marion county, or further, if it may be deemed practicable by said company, shall be vested in said corporation for the term of fifty years from the completion of the same suitable for barges. Exclusive right confirmed.

SEC. 17. *And be it further enacted*, That the navigation of said stream shall be completed within ten years from the passage of this act: *Provided*, That nothing herein contained shall prevent said corporation from the exclusive right to the navigation so far as they may have opened the same fully: *Provided further*, That said improvements shall commence at the mouth of said stream and be sufficiently completed as they progress to afford good navigation. Within what period shall be completed.

SEC. 18. *And be it further enacted*, That any obstructions hereafter created upon said stream, by erection of bridges mills or otherwise, shall, whenever the company have in the progress of their work reached the point of any such obstructions, be liable to be removed by said company: *Provided*, This act shall not be so construed as to authorise said company to remove any mill dam or bridge now Obstructions may be removed.

erected across said stream, without the consent of the owner or by the assessment of proper damages as above provided for.

Penalty for obstructing navigation.

SEC. 19. *And be it further enacted,* That if any person or persons shall obstruct the navigation of said stream by felling trees or otherwise, he, she or they so offending shall forfeit and pay to the said corporation double the amount of damages which may be assessed in any court of record having competent jurisdiction thereof.

APPROVED, 9 February, 1850.

[No. 213.]

AN ACT

To incorporate the Mobile Musical Association.

Incorporators.

Name and style

Powers.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Herbert C. Peabody, James Sorley, Felix Hurtel, Jas. A. Hooper, N. Portz and their associates and successors composing the Mobile Musical Association are hereby declared to be a body politic and corporate under the name and style of the Mobile Musical Association; and as such corporate body may take, have and hold and enjoy real and personal property in Mobile, proper for the use of said association to an amount not exceeding forty thousand dollars; and may have and use a corporate seal, sue and be sued; and have all the powers incidental to corporate bodies, such as appertain to corporations created for the promotion of the fine arts.

May organise.

Officers.

May pass by-laws.

SEC. 2. *And be it further enacted,* That the said Musical Association shall have power and authority to organise under the provisions of this act, for the purposes and objects of their association; and may by annual elections elect a president, treasurer, secretary and such other officers as they may think proper to conduct the affairs of said company and prosecute its purposes; and the said company may make all such by-laws for the government of said corporation as they may think necessary, not contrary to law; and may make all contracts necessary for the purposes of said association, and for the purchase, preservation and care of its buildings, musical instruments, books, papers and of all which may be necessary, and sale thereof, and to impose and collect fines and penalties for violation of its by-laws, not exceeding ten dollars for any offence, and by virtue of a regulation or by-law previously adopted.

APPROVED, 12 February, 1850.

[No. 214.]

AN ACT

For the benefit of the Most Worshipful Grand Lodge of Ancient Free Masons of Alabama and its Masonic jurisdiction.

Whereas doubts are entertained as to the present corporate existence of the "Most Worshipful Grand Lodge of Ancient Free Masons of Alabama and its Masonic jurisdiction;" and whereas it is expedient and proper that the charter of said incorporation should be considered still in full force and effect; therefore

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all cause and causes of forfeiture (if any there be) of the charter of the "Most Worshipful Grand Lodge of Ancient Free Masons of Alabama and its Masonic jurisdiction," be and the same are hereby waived; and the said charter and corporate existence of said Grand Lodge shall be taken and held by the existing grand lodge over which Rufus Greene is the present Most Worshipful Grand Master in all respects as in full force and effect.

Preamble.

Causes of forfeiture of charter waived.

APPROVED, 4 February, 1850.

[No. 215.]

AN ACT

To change the name of the Planters' Hotel Company of Montgomery, and for other purposes.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act the name of the "Planters' Hotel Company of Montgomery," a corporation created by an act of the legislature of the State of Alabama, approved 29th January, 1840, be and the same is hereby changed to that of the "Exchange Hotel Company."

Name changed.

SEC. 2. *And be it further enacted,* That the said "Exchange Hotel Company" shall remain a body corporate, and shall have, use and enjoy and is hereby vested with all the privileges, powers, rights and immunities heretofore granted to and conferred upon or belonging to the said Planters' Hotel Company of Montgomery as fully as the same were possessed and enjoyed by said company, and shall in like manner be subject to all its obligations and disabilities.

Corporate powers continued.

SEC. 3. *And be it further enacted,* That the capital stock of said Exchange Hotel company may be divided into

Capital stock.

shares of one hundred dollars each, any thing in the act incorporating the Planters' Hotel company of Montgomery to the contrary notwithstanding.

APPROVED, 4 February, 1850.

[No. 216.]

AN ACT

To incorporate the Talladega Baptist Church in Talladega county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Rev. Oliver Welch, William Jenkins, sen'r, William Jenkins, jun'r, Simon Morris, James Mallory and Cyprian R. Cross and others, the male members of said church, and their successors forever, be and they are hereby constituted a body corporate under the name and style of "The Talladega Baptist Church," in Talladega county, Alabama.

SEC. 2. *Be it further enacted,* That said corporation by its corporate name shall be capable in law and equity of suing and being sued, of pleading and being impleaded. Said corporation shall also be capable of receiving donations, by deed, will or otherwise, of real and personal property and money in trust for the use of said church, or in trust for such uses and purposes not contrary to law as the donor may designate; and shall hold the same free from all taxation so long as the same shall continue to be held for and employed in educational, charitable or religious uses.

SEC. 3. *Be it further enacted,* That said corporation shall keep a corporate seal at all times, which they may break or alter at pleasure.

SEC. 4. *Be it further enacted,* That at the first meeting of said corporation under this act there shall be elected from the white male members of said church two persons, one for secretary and the other for treasurer, each of whom shall hold his office for one year from the date of said election and until his successor in office is duly elected and qualified; in all cases a majority of the white male members of said church who are twenty-one years of age shall form a quorum for business; and a majority of such quorum shall govern in all cases relating to the pecuniary affairs of said corporation.

SEC. 5. *And be it further enacted,* That it shall be the duty of the secretary to attend all the meetings of said cor-

poration and to keep a correct and full records of all the proceedings of said corporation which relate to the reception, use and application of all property it may hold for the use of said church, or in trust for any purpose; said record shall be kept in a book to be procured for that purpose, which shall be substantially bound; and shall at all times show the names of each male member present at any meeting of said corporation, and also the "ayes" and "noes" at the request of any member upon any question which shall come before them; also the names of all persons elected to office or appointed as agents of said corporation, and the date of such election or appointment.

Duty of sec'y.

SEC. 6. *Be it further enacted*, That the treasurer shall give bond in such penalty and with such security as the corporation may think proper to require, not less than one thousand dollars, before entering upon the discharge of his duties; and it shall be his duty to receive all money which may belong to or be due said corporation and give his receipt therefor as such treasurer, which shall be good in law and equity as a receipt from said corporation. Said treasurer shall pay out said funds upon the written resolution of said corporation certified under the corporate seal and signed by the secretary, and in no other manner.

Duty of treas'r.

SEC. 7. *And be it further enacted*, That said corporation shall have power to remove any of its officers or agents from any office whenever a majority of the white male members of said church think it necessary, and elect others to fill their places.

Powers.

APPROVED, 5 February, 1850.

[No. 217.]

AN ACT

To incorporate the Tuskegee Fire Defiance Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the members, their associates and successors, of the Fire Defiance Company of the town of Tuskegee be and they are hereby declared and constituted a body corporate by the name and style of "The Tuskegee Fire Defiance Company," and by that name and style may sue and be sued, plead and be impleaded in all the courts of this state, may have and use a common seal, and the same alter and amend at pleasure, may have and hold real and personal property to the amount of fifty thousand dollars, and may sell and transfer the same.

Corporate name and style.

Exemptions. SEC. 2. *Be it further enacted,* That the members of said company and body corporate be and they are hereby exempt from jury and militia duty.

May make rules SEC. 3. *Be it further enacted,* That the company may enact such rules and by-laws for its own government as the members may think proper: *Provided,* They do not conflict with the constitution of this state or of the United States, and may alter and change the same at pleasure.

Restriction. SEC. 4. *Be it further enacted,* That the company shall not be allowed to exercise banking privileges or any other not legitimately belonging to fire companies generally.

Duration. SEC. 5. *And be it further enacted,* That this act of incorporation shall remain in force twenty years.

APPROVED, 5 February, 1850.

[No. 218.]

AN ACT

To incorporate Selma Fire Company, No. 1, of the town of Selma.

Corporators. SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That William A. Taylor, Law M. Gantt, John M. Strong and their associates are hereby incorporated by the name and style of "The Selma Fire Company, No. 1;" and by said name and style the aforesaid company is hereby authorised and empowered to sue and be sued, to plead and be impleaded, to have, hold, occupy, possess and enjoy goods and chattels, lands and tenements of the value of twenty thousand dollars, to have a company seal, and the same to alter and renew at pleasure, and to make such by-laws, rules and regulations for the proper organization and good government of the company not inconsistent with the constitution and laws of the United States and of the State of Alabama and the provisions of this act of incorporation as they may deem proper.

No. of members SEC. 2. *Be it further enacted,* That the said Selma fire company shall consist of not less than fifty nor more than eighty members.

Duty of company. SEC. 3. *Be it further enacted,* That the company shall be required to keep in good order one fire engine with the apparatus necessary, and that when the company shall have ready for service two fire engines with the apparatus, the number of members may be increased to one hundred and thirty, and no more.

SEC. 4. *Be it further enacted,* That the members of said company shall be exempt and are hereby exempted from

militia duty, road tax, performance of jury duty as grand and petit jurors in the circuit and county courts of Dallas county, so long as they continue to perform the duties of firemen under this act; and that any member who shall have served five consecutive years in said company without an intermission of over three months, or who shall have been disabled in the performance of duty as such, shall be constituted an exempt fireman, and as such entitled to all the privileges and immunities of active members of the company.

Privileges and exemptions of members.

SEC. 5. *Be it further enacted*, That when the company shall habitually neglect the performance of their duty as firemen or violate the provisions of this charter, it shall be the duty of the solicitor of the judicial circuit to cause a *scire facias* to issue, calling upon the said company to show cause why their charter should not be declared forfeited, which writ shall be returnable to the circuit court of Dallas county; and if the said company shall be found guilty of such habitual neglect, the said court shall declare their charter to be forfeited.

Penalty for neglect of duty.

SEC. 6. *And be it further enacted*, That to enable the members of said company to enjoy the privileges and immunities granted them by this charter, it shall be the duty of their foreman to place in the office of the sheriff of Dallas county, semi-annually, a true statement of the names and numbers of said company on oath; and it shall be the duty of the sheriff of Dallas county to prevent the said names from being placed in any of the jury boxes of said county.

Duty of foreman of company.

APPROVED, 13 February, 1850.

[No. 219.]

AN ACT

To incorporate the Prattville Engine Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Daniel Pratt, William C. Allen, B. F. Miles, T. B. Avery, Samuel Tickner, Ephraim S. Morgan, their associates and successors be and are hereby constituted a body politic and corporate by the name and style of "The Prattville Engine Company;" and by that name and style are hereby invested with all the privileges and powers, and subject to all the liabilities incident to similar corporations.

Corporators.

Name and style Powers.

SEC. 2. *Be it further enacted*, That said corporate body be authorised to purchase and hold in the village of Pratt-

May hold estate ville, county of Autauga, such estate as may be necessary for the erection of an engine house; to have such engines and accompaniments as may be required for the extinguishment of fire and carrying into effect the object and intent of said corporation.

May pass laws, &c. by- SEC. 3. *Be it further enacted*, That the corporate body may make such by-laws; create such officers as may be deemed necessary, and the members of said corporation shall be exempt from military and road duty.

APPROVED, 9 January, 1850.

[No. 220.]

AN ACT

To incorporate the Odd Fellows' Hall Association in the City of Mobile.

Corporators. SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That B. S. Skaats, David Solomon, James Martin, Josiah M. Barney, Stephen Twelves, Edward B. Lyman, James F. McBride, Aaron Gage, John C. Morton, John W. Silsby, Thomas Reid, John A. Hitchcock, James Turner and W. E. Jennings, their associates and their successors, those who now are or shall hereafter be stockholders in the Odd Fellows' Hall association of the city of Mobile shall be a body corporate for the purposes of the said association, and by said corporate name and style the said association may take, hold and purchase real and personal property necessary and proper for the use of said association to any amount not exceeding fifty thousand dollars, and in said name may sue and be sued, prosecute and defend, and have all legal remedies whatsoever.

Name.

Capital.

Organisation. SEC. 2. *And be it further enacted*, That the stockholders of said association may, as soon as ten thousand dollars of said capital stock shall have been subscribed (which said stock shall be issued in sums not to exceed twenty dollars for each share,) organise themselves by choosing such officers as they may deem necessary; and the election of said officers shall be held annually thereafter, or at such other time or times as said association shall by its by-laws designate.

Powers. SEC. 3. *And be it further enacted*, That said association when so organised may adopt all such by-laws and regulations, not inconsistent with the constitution and laws of the state of Alabama, as they shall deem necessary for the

purchase of said property for the erection of the Odd Fellows' Hall, which is their purpose in obtaining this charter, and for the preservation, repairing and renting of said building and premises when the same shall be complete, and may impose and collect such penalties for violation of such by-laws by any of the directors, officers or stockholders of said association, not to exceed ten dollars for any one offence, as they shall decide, and by previous vote or law established.

APPROVED, 5 February, 1850.

[No. 221.]

AN ACT

To amend an act incorporating the Independent Rangers, a volunteer company in Perry county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the above recited act be amended as follows: That so long as said volunteer company keep up their regular discipline and comply strictly with the provisions of said act, the members thereof be and they are hereby exempted from working on roads. Amended.

APPROVED, 5 February, 1850.

[No. 222.]

AN ACT

To incorporate the Pickens Guards.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That such persons as have enrolled themselves for the purpose of forming a volunteer company in the county of Pickens to be styled "The Pickens Guards," together with their successors, be and they are hereby made and declared a body politic and corporate by the name and style of "The Pickens Guards," with the usual powers incident and common to bodies corporate; said company to consist of not less than forty nor more than eighty members; the officers of said company to consist of a captain, three lieutenants, and such non-commissioned officers as said company may think proper and necessary to appoint: *Provided,* No militia company shall be reduced below the lawful number by the raising of the said company. Corporate name and style.

SEC. 2. *Be it further enacted,* That said company shall have power to pass such by-laws as shall be necessary for

May make by laws, &c. the good government of said company not inconsistent with the constitution and laws of the state; and all fines and forfeitures levied and collected by said company from any of its officers or men under such by-laws and regulations as such company may adopt, shall belong exclusively to said company, to be by them appropriated as they may think proper.

Muster six times a year. SEC. 3. *Be it further enacted*, That said company shall have at least six company drills in each year, and shall appear in their uniform and regular equipments at such time and place as their commanding officers may require and direct.

Duties defined. SEC. 4. *Be it further enacted*, That said company shall be attached to the regiment in which it is raised and subject to the lawful orders of the commanding officer of said regiment; and the captain or commanding officer of said company shall annually return to the commanding officer of his regiment the strength and condition of his company; and the members of said company shall be exempt from road duty so long as the lawful number of said company shall be kept up.

APPROVED, 9 February, 1850.

[No. 223.]

AN ACT

To incorporate the Dale Dragoons, and for other purposes.

Declar'd a body politic. SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Dale Dragoons, in the county of Dale, be and they are hereby declared to be a body politic and corporate by the name and style of the Dale Dragoons: *Provided*, That they shall muster at least six times a year and be subject to regimental and battalion musters, and shall consist of not less than thirty nor more than eighty members.

Duties and organisation. SEC. 2. *Be it further enacted*, That said Dale Dragoons are hereby authorised to adopt and continue their present constitution and by-laws, or adopt any other constitution and by-laws for their own government, not repugnant to the laws of this state or of the United States; and all fines and forfeitures levied and collected by said company from any of its members shall belong exclusively to said company, to be appropriated as they think proper.

Corporate powers.

Shall receive public arms. SEC. 3. *And be it further enacted*, That upon the execution of the proper bond by the captain for the time being, of said company, with security to be approved by

the governor, it shall be the duty of the governor to furnish said company with public arms from the state arsenal: *Provided*, That said company shall at all times hold itself Proviso. in readiness to obey any order or requisition that may be made upon it by the commander-in-chief for public service.

SEC. 4. *And be it further enacted*, That the quarter master general be authorised to deliver to Young W. Graves, Extended to Lowndesboro cavalry. captain commanding the Lowndesboro cavalry company, or his successor, fifty horseman's swords, and fifty braces of horseman's pistols and holsters therefor: *Provided*, That the Proviso. said Young W. Graves or his successor shall enter into bond with good and sufficient sureties in double the value of said arms, (the value to be fixed by the quarter master general,) for the safe keeping, preservation and future delivery of said arms to the quarter master general at such time as he may demand the same.

APPROVED, 13 February, 1850.

[No. 224.]

AN ACT

To incorporate the Marshall Cavaliers.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the company of mounted volunteers in the county of Marshall known and called "The Marshall Cavaliers," be and the same are hereby incorporated and created a body Corporate name. corporate by the name and style of "The Marshall Cavaliers," with the powers usual and incident to bodies cor- Powers. porate; said company to consist of not less than thirty nor more than eighty members; the officers of said company shall consist of a captain, two lieutenants and one cornet, and of such non-commissioned officers as said com- Proviso. pany may think necessary: *Provided*, That no militia company shall be reduced below the lawful number by the raising of this company.

SEC. 2. *Be it further enacted*, That it shall be the duty Shall uniform. of said company to uniform and equip themselves fully and completely in some suitable and proper uniform to be by them selected; and it shall be the duty of said company, and they are hereby required, to muster at least six times a year.

SEC. 3. *Be it further enacted*, That said cavalry company Muster 6 times a year. shall be attached to the eighty-third regiment and be subject to the lawful orders of the commanding officer of said regiment at regimental musters at which they shall be required to parade; and the commanding officer of said Duties regulated. company shall return the strength and condition of said company annually, as now required by law, to the com-

manding officer of the regiment to which said company is attached.

SEC. 4. *And be, it further enacted,* That said company shall have power to pass such by-laws as shall be necessary for the good government of said company; and all fines and forfeitures levied and collected by said company from any of its officers or members under such by-laws and regulations as the company adopt, shall belong exclusively to said company, to be by them appropriated as they may think proper: *Provided,* The legislature may at any time repeal or amend this act.

APPROVED, 9 February, 1850.

[No. 225.]

AN ACT

To incorporate the Marion Guards.

INCORPORATED. SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the volunteer horse company lately formed at the town of Marion, in Perry county, under the name of the Marion Guards, be and they are hereby incorporated and made a body politic for military purposes of the state, and by that name may sue and be sued; and may have and exercise generally all such rights, powers and privileges as other incorporated companies of a like kind have and enjoy, not inconsistent with the laws and constitution of the state.

POWERS. SEC. 2. *Be it further enacted,* That within the aforesaid limits they may adopt such constitution and by-laws or ordinances, not contrary to the constitution and laws of this state, as may be deemed most advisable and best calculated to secure and preserve efficient and perpetual organisation, and generally for their good government.

MAY ADOPT RULES, &c. SEC. 3. *Be it further enacted,* That said company shall consist of not less than forty and not more than ninety-four members, exclusive of commissioned officers; and the commissioned officers shall be a captain, a first and second lieutenant and color-bearer, and such non-commissioned officers as may be found necessary: *Provided,* No infantry company shall be reduced below the lawful number by the raising and organising of this company.

Number in the company. SEC. 4. *Be it further enacted,* That said company are required to hold at least six regular company drills or parades in each year; they shall at all times be completely equipped

Duties to be performed by company.

and ready for service, liable to do service as minute men on the requisition of the governor; to be under complete subordination in other respects to the regiment and brigade in which they are, and shall form a part thereof; but shall be exempt from other militia duty, except at regimental or brigade drills and musters, and in times of actual service; and so long as the members of said company strictly comply with the provisions of this act, keeping up regular discipline and complete organisation, they shall be exempt from working on roads and serving on patrols; but the general assembly hereby reserves the right at any time to amend or repeal this act of incorporation.

SEC. 5. *And be it further enacted*, That the governor be and he is hereby authorised to cause the said company to be furnished with suitable arms and accoutrements, on being satisfied that they are completely organised in other respects, and on their executing such sufficient bonds for their use, safe keeping and return, as he may require: *Provided*, The arms shall be furnished from such as have heretofore been distributed, if such as are suitable can be so procured.

APPROVED, 12 February, 1850.

[No. 226.]

AN ACT

To incorporate a Volunteer Horse Company at Perryville, in Perry County.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the volunteer company of cavalry now organised under the command of Capt. William G. Coleman, at Perryville in Perry county, be and the same is hereby created a body corporate under the name and style of the Perry Hussars; and by that name may sue and be sued, have a seal, if desirable, which they may break, alter or amend at pleasure, and do any and every thing in law, equity or otherwise, which other bodies corporate for like purposes may rightfully and lawfully do.

SEC. 2. *And be it further enacted*, That the said company may have the usual number of officers, but its number of privates may be increased by voluntary additions under such rules and regulations as said company may from time to time adopt in their constitution and by-laws to as many as one hundred and twenty: *Provided*, That

no infantry company shall be reduced below the lawful number of men by the raising of this company.

Proviso. *SEC. 3. Be it further enacted,* That the members of said company and their successors are hereby required to hold themselves in readiness, on receiving orders from the governor or other superior officer in case of insurrection, invasions or other emergencies, to repair instantly to any point within the state of Alabama, or on her borders, to render such protection or aid to the state or her citizens as may be required.

Duty of company. *SEC. 4. Be it further enacted,* That the governor of the State of Alabama, on the application of said company through its captain, and on being satisfied on conference with him of the propriety and advantages of such an organised company, furnish said company with such arms and accoutrements as may be deemed appropriate and necessary to fit out said company for complete and efficient minute service, requiring such bond as he may prescribe.

Gov. may furnish them with arms. *SEC. 5. And be it further enacted,* That said company may adopt such constitution and by-laws for their government, not inconsistent with this act and the laws of the state, as they may see proper; but in time of actual general service called for by the state, shall at all times be subject to the ordinary laws and regulations for the government of the militia of the state of Alabama, and shall be attached to the 44th regiment, Ala. militia, and subject to the orders of the commanding officer of said regiment.

May adopt rules *SEC. 6. And be it further enacted,* That in consideration of the responsibilities and extra services assumed under this act, said company and the members, so long as they continue as such, shall be exempt from working on roads, or other military services, provided they shall parade at least four times in each year.

Exemption fr'm other public duties.

APPROVED; 9 January, 1850.

No. 227.]

AN ACT

To locate permanently the seat of justice in the county of Franklin.

Election to be had 1st Monday in August. *SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sheriff of the county of Franklin shall open and hold an election at the several precincts in said county, on the first Monday in August next, for the purpose of en-

abling the people of said county to locate permanently the seat of justice thereof; which election shall be held and conducted in all respects in the same manner and agreeably to the same regulations as are now prescribed by law for conducting elections for members of the general assembly of this state; and it shall be the duty of said sheriff to give at least twenty days' previous notice of the time of holding said election, by advertisements published in some public newspaper printed in said county and posted up at the court house door and at least two other public places in said county; in which notice he shall put in nomination the names of Russelville, Tuscumbia, the Centre, and such other places, not exceeding three in number, as may be required by the petition of fifty or more legal voters of said county.

Places in nomination.

SEC. 2. *Be it further enacted*, That at the election to be held as aforesaid, it shall be lawful for all the legal voters of said county to vote for any one of the places nominated as aforesaid, by writing upon their ticket the name of the place of their choice; and it shall be the duty of said sheriff, after the votes of the several precincts returned agreeably to law, are compared and the result ascertained by the judges and clerks of said election at the court house in Russelville, to make public proclamation thereof; and the place receiving a majority of all the votes at said election, returned as aforesaid, shall be deemed the permanent seat of justice of said county.

Voters at said election to vote for one of the places.

SEC. 3. *Be it further enacted*, That should no place nominated as aforesaid receive a majority of all the votes cast in said election, returned as aforesaid, said sheriff shall advertise, open and hold under the same rules and restrictions as are prescribed for holding the preceding election, another election, on the first Monday in November next, in which he shall put in nomination the two places only which shall have received the largest number of votes at the election aforesaid; and the place which shall in said last named election receive a majority of the votes cast therein, to be ascertained as directed in relation to the other election authorised by this act, shall be and is hereby declared the lawful and permanent seat of justice of said county.

No majority for either place, second election.

SEC. 4. *Be it further enacted*, That should a majority of all the votes given at either of said elections be cast in favor of any one of said places other than Russelville, it is hereby made the duty of the sheriff holding said election to make a report thereof to the next commissioners' court of revenue and roads of said county held thereafter; and it

When 3d election to be held.

shall be the duty of said court upon such report being made, to advertise in such manner and for such time as they may deem advisable, for proposals for the building and completion of a court house, jail, and such other buildings, as it may think necessary, at the place designated in said election as such seat of justice, and to make and enter into such contract or contracts for the erection and completion of said buildings as it may think conducive to the interests of said county; in all cases requiring the contractor or contractors to enter into bond with good and sufficient sureties in such amount as it may require, payable to such officer of said county and his successors in office as it may direct, for the faithful performance of said contracts within the time which may be prescribed by said court for the completion of the same.

Of contracts for
erection of pub-
lic buildings, &c

SEC. 5. *Be it further enacted*, That whenever said court shall have entered into a contract or contracts for the erection and completion of said buildings, it may be and it is hereby made lawful for it to levy upon all legal subjects of taxation in said county, a tax sufficient to meet the necessary expenses attendant on the building and completion of the same; and it shall also at the same time appoint five discreet and disinterested persons of said county as commissioners to superintend the erection of the same, to examine and receive the same when completed, and to make such reports to said court from time to time in relation thereto as they may deem advisable or said court may require; for which services said court is hereby authorised to make a reasonable allowance, to be paid out of the fund raised by the aforesaid tax.

Special tax.

SEC. 6. *Be it further enacted*, That whenever the tax aforesaid is assessed, it shall be collected in the same mode now prescribed by law for collecting the state and county taxes of this state; and said court shall adopt such regulations in relation to the safe keeping and disbursement of the same, as it may think proper.

Penalty for vot-
ing illegally.

SEC. 7. *Be it further enacted*, That if any person or persons not legally authorised to vote for members of the general assembly of this state in said county, shall vote in any of the elections holden by virtue of this act, he or they so offending shall, upon conviction thereof, be subject to the same pains and penalties as if he or they had voted illegally for members of the general assembly of this state.

Russelville now
the seat of jus-
tice.

SEC. 8. *Be it further enacted*, That Russelville, the present location of the court house of said county, shall be and remain the seat of justice of said county until a major-

ity of the votes cast at said elections shall determine otherwise, and until the court house and other public buildings necessary to be erected shall be completed and made ready for the reception and safe keeping of the books, papers and records of the several courts of said county.

SEC. 9. *Be it further enacted*, That whenever said court house and other public buildings are completed and received, and a report thereof is made to the commissioners' court of said county pursuant to the directions of this act, it shall be the duty of the several clerks to remove all books, papers and records belonging to their respective courts, to said county site; and all writs and other process up to that time made returnable to said courts at Russellville, shall be deemed and are hereby made returnable to the county site elected as aforesaid.

Public buildings completed, records shall be removed.

SEC. 10. *Be it further enacted*, That the sheriff or other officer who shall wilfully refuse to perform the duties required of him by this act, shall be subject to a fine of five hundred dollars, to be recovered in any court having competent jurisdiction, at the suit of any legal voter or voters of said county who may institute the same; and shall, moreover, be liable to be imprisoned in the county jail, for a term not exceeding twenty days, at the discretion of the judge trying such cause.

Penalty on sheriff for failure to perform duty.

SEC. 11. *Be it further enacted*, That before any of the aforesaid elections shall be held, it shall be the duty of the sheriff of said county to open and hold an election on the first Monday in June next, in the same manner and subject to the same regulations and restrictions as are required in the first section of this act, to enable the legal and qualified voters of said county to determine whether the court house thereof shall be located at the Centre; and it shall be the duty of the voters voting at said election, to endorse upon their tickets the word "Centre," if they are in favor of locating said court house at that place, or the words "No Centre," if they are opposed to said location; and if after all the ballots of the several precincts are compared, it shall appear that a majority of all the votes of said county has been cast in favor of such location, it shall be the permanent seat of justice of said county; but if no such majority be cast in favor of that place, then the sheriff shall proceed to hold the other elections directed by this act.

Preliminary election in June.

For what purpose.

SEC. 12. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Repeals.

APPROVED, 19 January, 1850.

[No. 228.]

AN ACT

Providing for an election of the seat of justice in Cherokee County.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sheriff of Cherokee county shall, on the first Monday of August next, cause to be opened and held an election at the several election precincts in said county for the place of the permanent seat of justice of said county; said election shall be conducted, in all respects, after the manner of conducting the general elections of this state; the managers shall be appointed by the persons and after the manner by law provided for the appointment for managers of elections, and the said managers and the clerks of said election shall each take the oaths now by law prescribed for managers and clerks of elections, and be subject to all the pains and penalties incident to a violation of any of their duties; the returns of said election shall be made to the sheriff within three days thereafter, unless prevented by high waters, fraud, accident or other unavoidable cause; it shall, upon the coming in of said returns, be the duty of the said sheriff and the managers at the court house to meet together and compare and add up all the the votes polled, and declare the place receiving the largest number of legal votes the seat of justice for said county. No person shall be eligible to vote in said election, who is not legally authorised to vote for a member to the general assembly; any person voting illegally shall incur the pains and penalties imposed by law upon those voting illegally in other elections, and any illegal vote polled shall be taken from the box and not counted; and said election may be contested for fraud, gross mismanagement or illegal voting, and any fraud perpetrated upon said election, in its management or otherwise, shall be punished as similar frauds upon other elections are punished.

Election, to be held first Monday in August, 1850.

Holding and making return of same regulated.

SEC. 2. *And be it further enacted,* That the towns of Centre and Cedar Bluff shall be alone placed in nomination; and the place receiving the greatest number of votes shall be the permanent seat of justice for said county. Each ticket shall have the word Centre or Cedar Bluff written on it, and nothing else. Should Cedar Bluff receive the largest number of votes, then it shall be the duty of the clerk, sheriff and judge of the county court to remove their respective offices to Cedar Bluff, by the first of Janu-

Places in nomination.

ary, 1851. And the county, circuit and chancery courts of said county shall thereafter be holden at said place.

SEC. 3. *And be it further enacted,* That any officer who shall fail or refuse to perform any of the duties by this act required, either in opening, holding, managing or returning said election, or who shall fail or refuse to appoint any managers, or do any other act whereby the object of this act shall be defeated, such officer shall be subject to a fine, not exceeding two hundred dollars, to be recovered on motion in the circuit court for the use of the county by any person making the same, upon three days' previous notice.

Penalty on officer failing to perform duty.

APPROVED, 11 February, 1850.

[No. 229.]

AN ACT

To locate permanently the county site of Washington county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it be the duty of the sheriff of Washington county to hold an election at the different precincts established by law in said county, on the first Monday in April next, for the purpose of electing a permanent site for the court house and other public buildings for said county. He shall give at least ten days' notice of said election by advertisement at each precinct, and shall see and provide that the same is conducted and returns thereof made, the same as elections for representatives in the general assembly.

Election to be held first Monday in April, '50

SEC. 2. *Be it further enacted,* That the following named places are hereby placed in nomination to be voted for or against at said election by the designation herein given, to-wit: "Hazard's Old Field;" "Highland Pond;" and either of these places having the greatest number of votes cast at said election shall be and the same is hereby declared the permanent seat of justice of the county of Washington.

Places in nomination.

SEC. 3. *Be it further enacted,* That it shall be the duty of the managers of said election to make return in two days after the same of the votes cast at their several precincts for each of the places mentioned in the second section of this act, to the sheriff of said county; and the said sheriff is required to certify the result of the election in

Returns of election.

the county to the judge of the county court of Washington in ten days after such election.

County com'is-
sioners. SEC. 4. *Be it further enacted*, That William Grimes, Henry Monger, Benjamin Wollard, James S. Malone and James Baxter be and they are hereby appointed commissioners for said county of Washington, who, or a majority of whom, are vested with all the powers necessary to carry out fully the objects of this act according to the specifications herein contained, and shall be entitled to receive for their services two dollars each per day for the time they may serve.

Duti's and pow-
ers of com'rs. SEC. 5. *Be it further enacted*, That the said commissioners shall proceed, after the result of said election shall be ascertained, to contract for twenty acres of land at the place elected, upon which to erect the public buildings of said county of Washington, and shall take a title deed for the land so purchased to the judge of the county court of Washington county and his successors in office for the use of said county of Washington, and the purchase money for such lot of land shall be paid out of the county treasury of said county: *Provided*, That the said commissioners shall not pay more than at the rate of one dollar and twenty-five cents per acre for such tract or lot of land so purchased: *And provided further*, That if they shall be unable to purchase the requisite quantity of land at the rate fixed in the foregoing proviso at the immediate point designated by election, then and in that case they may select and purchase the quantity at the price fixed at the nearest point that the same can be done in the immediate vicinity.

Site to be laid
off into lots and
sold. SEC. 6. *Be it further enacted*, That the tract of land so purchased for the use of said county shall be by said commissioners laid off into convenient lots and (after reserving sufficient for the erection of the public buildings for the county) sold to the highest bidder upon a credit of one and two years; and the proceeds of such sales shall be paid into the county treasury for the purpose of erecting and paying for said public buildings and lands.

Public build'gs
shall be erected. SEC. 7. *Be it further enacted*, That the commissioners aforesaid shall have the power and it is hereby made their duty to contract for and superintend the erection of a court house, jail and other public buildings at the place selected for that purpose; and for this purpose the said commissioners shall have power to make plans of such buildings, contracts for their erection, and to appropriate the funds of said county raised for that purpose in paying for such public buildings.

SEC. 8. *And be it further enacted*, That all laws and parts of laws conflicting with the provisions of this act be and the same are hereby repealed. Repeals,

APPROVED, 5 February, 1850.

[No. 230.] AN ACT

To exempt the judges of the county courts of the counties of Coffee and Dale from certain duties therein named.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act the judges of the courts of the counties of Coffee and Dale shall not be compelled to keep their offices open each day in every week from 9 o'clock, A. M., until 4 o'clock, P. M.; and that all laws and parts of laws contravening this act be and the same are hereby repealed. Judges relieved from certain duties.

APPROVED, 2 February, 1850.

[No. 231.] AN ACT

To repeal in part an act therein named as to Covington county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That so much of an act approved the 18th day of February, 1848, as makes it the duty of the judges of the county courts to keep their offices at the court-houses of their respective counties, and keep them open for the transaction of business from nine o'clock in the morning until four o'clock in the afternoon, Sundays excepted, be and the same is hereby repealed, so far as it relates to the county of Covington. Act repealed as to Covington.

APPROVED, 31 January, 1850.

[No. 232.] AN ACT

To repeal in part an act entitled "An act to reduce and pay the expenses of the county of Shelby."

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the fifth section of the above recited act be and the same is hereby repealed.

APPROVED, 30 January, 1850.

[No. 233.]

AN ACT

Authorising the issuance of attachments in certain cases
in the county of Russell.

Cases in which
attachments
may issue in
Russell county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all actions of trespass *vi et armis* and trespass on the case brought against any persons residing beyond the limits of this state to recover damages for injuries to real property situate within its limits may be commenced by original attachment against the property of the defendants, which suits shall be governed as nearly as may be by the laws now in force in other cases of attachment; and the officer issuing the same shall prescribe in the writ of attachment the amount for which the same shall be levied: *Provided*, That he shall first require from the plaintiff or his agent or attorney satisfactory proof by affidavit that the defendant is a non-resident as aforesaid, and of the extent of the damage which has been occasioned by his acts to the plaintiff: *And provided further*, That the provisions of this act shall apply only to the county of Russell.

APPROVED, 2 February, 1850.

[No. 234.]

AN ACT

In relation to the trial of state causes in the circuit court
of Wilcox county.

Power of clerk
in setting causes
for trial.

Proviso.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter it shall be lawful for the clerk of the circuit court of Wilcox county to set the trial of state causes on any day or days not sooner than Wednesday in the first week of said court as he may think most advisable for the dispatch of business, and to cause the witnesses to be summoned to attend court at the time fixed for the trial of the causes aforesaid: *Provided*, That nothing in this act shall be construed so as to take from the court in term time the power of making other dispositions of said causes when it may be deemed necessary and proper.

APPROVED, 29 January, 1850.

[No. 235.] AN ACT

In relation to saw mills in Shelby county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That every owner of any saw mill erected within one mile of any city, town or village in the county of Shelby, is required to remove or destroy all the slabs from said mill so as to prevent the same from falling into the stream of water on which the mill is situated; and every person failing to comply with the provisions of this law shall forfeit the sum of five dollars for every such offence, to be recovered before any justice of the peace by any person suing for the same.

Duty of owners in remov'g rubbish, &c.

Penalty for failure.

APPROVED, 13 February, 1850.

[No. 236.] AN ACT

To authorise the clerk of St. Clair county to receive state witness' tickets in payment of fines and forfeitures:

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act state witness' tickets which are properly chargeable to the county treasury of St. Clair county shall be received by the sheriff and clerk of the circuit court of said county in payment of fines and forfeitures; any law to the contrary notwithstanding.

APPROVED, 12 February, 1850.

[No. 237.] AN ACT

In reference to the collection of taxes in Marion County.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sheriff of the county of Marion, at and after the expiration of the present term of tax collector's office in Marion county, (whoever he may be,) shall be authorised to discharge the duties of the office of tax collector also for said county, on complying with the laws in all respects, in reference to tax collectors; and shall be also liable, in all respects, as other tax collectors; and thus the election of a tax collector may be dispensed with in said county.

Sheriff may collect tax.

APPROVED, 11 February, 1850.

[No. 238.]

AN ACT

To authorise the appointment of more than three auctioneers in the County of Montgomery.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the court of roads and revenue of Montgomery county may appoint as many as six auctioneers for said county, in the manner now provided by law; any law to the contrary notwithstanding.

APPROVED, 1 February, 1850.

[No. 239.]

AN ACT

To authorise the Court of Roads and Revenue, in Lauderdale County, to appoint a County Surveyor additional to those now authorised by law in said County.

May appoint
additional co.
surveyor.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the first Monday in May, in the year of our Lord one thousand eight hundred and fifty, it shall be lawful for the court of roads and revenue of Lauderdale county to appoint a county surveyor additional to those now authorised by law in said county.

Terms and du-
ties regulated.

SEC. 2. *And be it further enacted,* That the said additional county surveyor, so to be appointed by said court of roads and revenues, shall hold his office for the term now provided by law for county surveyors, and shall give bond and be subject to all penalties and entitled to all privileges now provided by law for said office, and none others.

APPROVED, 11 February, 1850.

[No. 240.]

AN ACT

Regulating the Commissioners' Court for the county of Macon.

Time allowed
for holding c'ts

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners of revenue and roads for the county of Macon may be allowed twenty days for holding their several courts, and shall receive three dollars and fifty cents each, per diem for their services, to be paid out of the county treasury.

APPROVED, 5 February, 1850.

[No. 241.]

AN ACT

To appoint a commissioner to execute titles to lots sold in the town of Dadeville.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act Charles Stone, clerk of the circuit court of the county of Tallapoosa, and his successors in office, be and he is hereby made and legally constituted a commissioner to make and execute *bona fide* legal conveyances by deed in fee simple to any and all persons who have purchased town lots in the town of Dadeville, Tallapoosa county, on the purchaser or purchasers producing satisfactory evidence of complete payment for any lot or lots in the town aforesaid, and that such deeds of conveyance when made and executed by said Charles Stone, clerk of said circuit court, or his successors in office, shall vest a full and complete title to any purchaser or purchasers in fee simple to any and all such lots as may have heretofore been sold and complete payment made, and to all such as may hereafter be sold and paid for as aforesaid, and such as may have heretofore been sold and hereafter paid for.

Commissioner appointed.

Powers.

SEC. 2. *Be it further enacted,* That John A. Jordan, of the county of Tallapoosa, and State of Alabama, is hereby appointed and legally authorised to make and execute to Charles Stone, of the county and state aforesaid, good and legal titles to any and all such town lots as lie in the town of Dadeville, Tallapoosa county, Alabama, on said Stone producing satisfactory evidence of purchase, and complete payment of such lot or lots lying and being in said town.

Commissioner to make titles to C. Stone.

SEC. 3. *Be it further enacted,* That said Charles Stone, clerk of the circuit court as aforesaid, is hereby authorised to proceed and sell all the unsold town lots lying and being in the town of Dadeville, Tallapoosa county, on giving forty days' notice at the court house of said county, giving six and twelve months' credit, taking notes with approved security, on said sales being made, payable to the county treasurer of said county; and that said Charles Stone is hereby authorised and empowered to sell as aforesaid any lots in the town of Dadeville heretofore sold by commissioners and reverted to said county for a non-compliance of such sale or sales; and the purchaser shall pay for each deed thus executed the sum of one dollar and fifty cents before delivery.

Commissioner may sell unsold lots, &c.

SEC. 4. *And be it further enacted,* That the duties imposed on said Charles Stone, clerk as aforesaid, are hereby

Duties imposed
declared oblig-
atory.

Penalty for fail-
ure.

Repeals.

declared to be obligatory ; and should he fail to perform his duties pointed out in this act, that for the failure thereof any person aggrieved or injured may bring suit upon his official bond as clerk of said circuit court and recover for such damage, to be assessed by a jury as in other cases in the circuit court of said county.

SEC. 5. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act be and the same are hereby repealed.

APPROVED, 7 February, 1850.

[No. 242.]

AN ACT

To attach part of Benton to Talladega county.

Attached.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act the west half of section thirty-four, in township sixteen, of range six, in Benton county, be and the same is hereby attached to the county of Talladega.

APPROVED, 5 February, 1850.

[No. 243.]

AN ACT

To provide for marking out the boundary line between the counties of Shelby and St. Clair.

Preamble.

Whereas there is great uncertainty as to the boundary line between the counties of Shelby and St. Clair ; and whereas it is expedient that said line should be accurately marked out and defined ; therefore

Com'rs to mark
out line between
the counties.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John M. McClanahan, of the county of Shelby, shall be appointed surveyor, and Henly Webster, of the county of Shelby, shall be appointed a commissioner, and John T. Watson and William Thweat, of the county of St. Clair, shall be appointed commissioners to mark out said line from Givens' old place to the mouth of Kelly's creek on the Coosa river, following the line between said counties as prescribed in "An act changing the lines between the counties of Shelby, Jefferson and St. Clair," approved January 15, 1831 ; beginning on the Coosa river at the mouth of Kelly's creek, thence up said creek to Castleberry's old

mill; thence to James Givens' in Cahawba valley, so as to include the Robertsons on Kelly's creek, in Shelby county; thence northwest to Cahawba river, so as to include said Givens' place in St. Clair county; thence up said river to the line of Jefferson county; all north of said line to belong to St. Clair county; all south, to the county of Shelby; and a majority of said commissioners, with the surveyor, shall constitute a board, and have full power to carry out the provisions of this act.

SEC. 2. *Be it further enacted*, That said commissioners and surveyor shall meet on some day to be designated by them, previous to the first day of June next, and proceed from day to day, until said line is fully marked out and defined. When to commence.

SEC. 3. *Be it further enacted*, That it shall be the duty of said surveyor and commissioners to return to the office of the clerk of the county court for the county of St. Clair, and the office of the clerk of the county court for the county of Shelby, an exact plat of the line so marked out and defined, accompanied by such notes as may remove all uncertainty in regard to the same, to be entered of record in the said county courts respectively. Duty in making return.

SEC. 4. *And be it further enacted*, That the commissioners' courts of said counties shall each make an order for compensation to the said surveyor and commissioners of one half of what to them may seem reasonable, to be paid out of any moneys in the county treasury not otherwise appropriated. Compensation.

APPROVED, 14 December, 1849.

[No. 244.]

AN ACT

To authorise sheriff's sales at Memphis, in Pickens county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sheriff of Pickens county shall from and after the first day of April next expose for sale all property belonging to defendants in execution or attachment living in said county on the west side of the Tombigby river, between the usual hours of sale, on the third Mondays of each month; and the said sales shall, with this exception, be as heretofore directed by law in all respects: *Provided*, That this act shall not repeal the act authorising such sales at Fairfield in said county; but the officer shall sell at either of the said places most convenient to the residence of the defendant. May hold sales on 3 Mondays in a month. Proviso,

APPROVED, 4 February, 1850.

[No. 245.]

AN ACT

To enlarge the powers of the sheriff and coroner of Montgomery county as to the sale of lands, slaves and other property taken in execution by them in said county.

May hold sales
the 3d Monday
of the month.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter it shall be lawful for the sheriff and coroner of Montgomery county to sell all lands, slaves and other property taken by them in execution on the third as well as on the first Monday in every month in the year, under the same regulations and restrictions as are contained in the act of 1812, on the same subject, Clay's Digest, page 216, section 6, and the act of 1820, also in Clay's Digest, page 216, section 2.

APPROVED, 1. February, 1850.

[No. 246.]

AN ACT

To extend the time of leasing the poor house in Butler county.

Poor house may
be leased out.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act it shall be lawful for the judge of the county court and commissioners of roads and revenue of Butler county to lease the poor house lands and tenements thereunto appertaining in said county for one, two or three years as in their discretion will best promote the interest of said county, and shall take a sufficient bond with security to secure the faithful performance of the duties of the lessee.

Repeals.

SEC. 2. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act be and the same are hereby repealed.

APPROVED, 26 January, 1850.

[No. 247.]

AN ACT

To provide for assessment and collection of taxes in Covington county.

Repeal former
act.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of an act entitled "An act to provide for the assessment and collection of taxes," approved

the 6th day of March, A. D. 1848, as makes the sheriff of Covington county the assessor and collector of taxes in said county of Covington be and the same is hereby repealed:

SEC. 2. *Be it further enacted*, That it shall be the duty ^{Duty of sheriff of county.} of the sheriff of said county of Covington, on the first Monday in April next, to hold an election in said county, at the several precincts thereof, giving fifteen days' notice of the same at three public places in said county, one of which shall be at the court house, for an assessor and collector of taxes for said county for the year A. D. 1850; and the person so elected shall, before he enters upon the duties of his office, take the oath and give bond and security, to be approved by the commissioners' court, as now required by law of assessors and collectors of taxes in this state, and shall be required to assess and collect the taxes of said county for the year A. D. 1850, and make returns thereof, in the same manner and under the same liabilities, as other assessors and collectors of taxes in this state.

SEC. 3. *Be it further enacted*, That in each and every ^{Annual election of assessor and collector.} year there shall be elected, by the qualified electors of said county, on the first Monday in August, an assessor and collector of taxes for the ensuing year, who shall, after his election and before he enters on the discharge of the duties of his office, take the oath and give bond and security for the faithful discharge of the duties of his office, as provided in the second section of this act.

SEC. 4. *And be it further enacted*; That should the qualified electors of said county fail, in any year, to elect ^{Com. court may fill vacancies.} such assessor and collector of taxes, or should a vacancy occur by death, resignation or otherwise, in the office of assessor and collector of taxes, it shall be the duty of the commissioners' court of said county to appoint a suitable person to fill such vacancy, which person so appointed shall be subject to all the provisions of this act.

APPROVED; 4 February, 1850.

[No. 248.]

AN ACT

To divide the county of Sumter into commissioners' districts:

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the commissioners' court for the county of Sumter be and are hereby required to divide said county

Comm'r's court shall divide the county into four districts.

into four commissioners' districts, within the next six months after the passage of this act; and make or cause to be made a record of the same, to be filed in the clerk's office of the county court of said county; and by failing to do so, each member of said court shall forfeit and pay to the state the sum of one hundred dollars to be recovered before the circuit court of said county.

One com'r to be elected for each district.

SEC. 2. *Be it further enacted*, That at the next regular election for commissioners of roads and revenue for said county after the passage of this act, and forever thereafter, each of said districts shall be entitled to one commissioner of roads and revenue, who shall be a resident citizen of the district he is elected for, and elected by the qualified electors of said county.

Extended to Franklin county

SEC. 3. *And be it further enacted*, That all laws contravening or in opposition to the spirit and meaning of this act, be and are hereby repealed: *Provided*, That the provisions of this act apply to the county of Franklin also.

APPROVED, 7 January, 1850.

[No. 249.]

AN ACT

To provide a set of weights and measures for the counties of Coffee and Choctaw.

Duty of secretary of state.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the secretary of state be and he is hereby directed and required to procure a complete set of weights and measures and cause the same to be distributed to the counties of Coffee and Choctaw as others have been distributed.

APPROVED, 5 January, 1850.

[No. 250.]

AN ACT

For the relief of purchasers of lots in the town of Newton.

Powers vested in J. G. Ward.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That all the powers, duties, privileges and immunities heretofore conferred upon James C. Ward and others as commissioners to locate the county site for the county of Dale, be and the same are hereby vested in the said James C. Ward to all intents and purposes whatsoever.

SEC. 2. *Be it further enacted,* That all conveyances which may have been made or which may hereafter be made by the said James C. Ward in the discharge of his duties as commissioner as aforesaid under the provisions of the act aforesaid, and which ought to have been made by said commissioner under the before mentioned act, shall be as valid and binding and as effectually convey title as if made by all of said commissioners, any thing in the said enactment contained to the contrary notwithstanding.

Effect of commissioner.

APPROVED, 14 December, 1849.

[No. 251.]

AN ACT

To repeal an act passed at the last Legislature to regulate the public printing in the county of Marengo.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all laws heretofore passed to regulate the public printing in the county of Marengo be and the same are hereby repealed.

Repeals.

APPROVED, 6 December, 1849.

[No. 252.]

AN ACT

To abolish the office of general administrator for Lawrence county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the office of general administrator, so far as the county of Lawrence is concerned, shall be and the same is hereby abolished.

Abolished.

SEC. 2. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act be and the same are hereby repealed.

Repeals.

APPROVED, 27 November, 1849.

[No. 253.]

AN ACT

To adjust and settle the debt due from the county of Coffee to that of Dale.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners' court of the county of Coffee on or before the first Monday in March next be required to

Indebtedness to be ascertained.

appoint some suitable person of said county to ascertain and report to said court on the first Monday in July next the entire amount of the indebtedness of the county of Coffee to the county of Dale at the time of the division of said counties.

Tax collectors and co'ty treasurers shall appear before the comm'rs. court.
 SEC. 2. *Be it further enacted*, That the commissioners court of said county of Coffee be required to summons all the tax collectors and county treasurers who have been and now are in office in said county of Coffee since the division of said counties of Dale and Coffee to appear before said court on the first Monday in July next, to render an account under oath and to exhibit their books of collections and receipts to said court; and that upon failure to comply with the provisions of this act without sufficient cause being shown, each defaulter shall be fined two hundred dollars for the use of said county; and that said motion shall be made at the next term of the circuit court after said default, by the judge of the county court of said county.

County of commissioners' court.
 SEC. 3. *Be it further enacted*, That the commissioners' court of said county be required to settle within the next three years after the passage of this act all the unsettled demands between the counties of Coffee and Dale.

Service of notice.
 SEC. 4. *And be it further enacted*, That the notices or summons provided for in this act be served by the sheriff or coroner of said county twenty days before the time required of the parties to appear and answer as is herein specified and required; and that all laws and parts of laws contravening the provisions of this act be and the same are hereby repealed.

APPROVED, 7 January, 1850.

[No. 254.]

AN ACT

Authorising the commissioners' court of Cherokee county to purchase a certain tract of land, and for other purposes.

May purchase tract of land.
 SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the commissioners' court of revenue and roads for Cherokee county are authorised and required to purchase from the the United States the tract of land on which is situated the town of Cedar Bluff in said county, and to have, hold and dispose of the same for the purposes mentioned in a certain act of the congress of the United States, entitled "An act for the relief of the citizens of

Cedar Bluff, in the State of Alabama, and for other purposes," approved March 2, 1849; and the said commissioners' court are to do and perform the same duties that are required of and be governed by the same restrictions, limitations and provisions imposed upon the *commissioners* of said county of Cherokee in said act of congress mentioned, pursuant to the requirements and provisions of said act.

SEC. 2. *And be it further enacted*, That the said purchase shall be made out of any money in the county treasury of said county not otherwise appropriated; and should there be no money in said county treasury unappropriated and available, then it shall be lawful for the said commissioners' court to receive a loan of a sum of money sufficient to make said purchase and to pass an order authorising the treasurer of said county to execute his receipt as treasurer as aforesaid to the person loaning the same, for the amount of said loan, payable not longer than twelve months from date, at an interest of eight per cent. per annum; which said loan shall be paid out of the first proceeds arising from the sale of the vacant lots in the said town of Cedar Bluff, and out of no other fund.

Fund to pay for said land.

APPROVED, 31 January, 1850.

[No. 255.]

AN ACT

To authorise the judge and commissioners of roads and revenue of Washington county to district said county, and for other purposes.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the judge of the county court and commissioners of roads and revenue of the county of Washington, or a majority of them, shall at their first meeting (or as early as they may deem practicable after the passage of this act) proceed to lay off said county into justices' beats or districts, which beats shall be entitled to a justice of the peace and constable each.

County shall be laid off into districts.

SEC. 2. *Be it further enacted*; That said court of judge and commissioners shall also district the public roads in said county and apportion the hands liable to do road duty to each district, and cause a list of hands so apportioned to accompany the notice given to overseer of their appointments as overseers aforesaid; and the clerk of the county court is hereby required to keep a record of the same.

Roads shall be laid off into districts.

SEC. 3. *And be it further enacted,* That the commissioners of roads of said county, immediately after the district-elections shall be held in beats ing of said county as above, shall order an election for justices and constables in each beat, giving twenty days notice by advertisement posted up at two of the most public places in said beats of the time of such elections; and in all other matters touching their duty they shall be governed by the laws now in force.

APPROVED, 2 February, 1850.

[No. 256.]

AN ACT

To prevent the commissioners' court for the county of Lauderdale from levying a higher tax than fifty per cent. on the state tax.

Restriction.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter the judge of the county court and commissioners of revenue and roads for the county of Lauderdale, shall not be authorised to levy a higher tax for county purposes than fifty per cent. on the state tax; any law, usage or custom to the contrary notwithstanding; unless they may find it necessary to levy a higher county tax than fifty per cent. with a view to pay contracts now made by said commissioners' court, or for the purpose of repairing the county bridges.

APPROVED, 31 January, 1850.

[No. 257.]

AN ACT

To prevent camp hunting in the counties of Butler and Coffee.

Prohibited.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act it shall not be lawful for any persons of Butler county to form themselves into companies of more than five, at any one time, for the purpose of hunting deer, or any other game in said county, by camping therein, or for any other person or persons going to said county of Butler, for the purpose of camp hunting.

Penalty.

SEC. 2. *Be it further enacted,* That for any violation of this act, the person or persons so violating shall upon con-

viction be fined in a sum not less than five nor more than fifteen dollars, to be recovered before any justice of the peace for Butler county, one half to the use of the person suing for the same, and the other half to the use of the county of Butler.

SEC. 3. *And be it further enacted*, That the provisions of this act shall extend to the county of Coffee. Extended to
Coffee.

APPROVED, 8 February, 1850.

[No. 258.]

AN ACT

To regulate camp hunting in the county of Conecuh.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act it shall not be lawful for persons entering the county of Conecuh for the purpose of hunting deer or other game, by camping therein, to form themselves at any one time into companies of more than five. Prohibited.

SEC. 2. *And be it further enacted*, That for any violation of this act the person or persons so offending shall, upon conviction, be fined in a sum not less than five nor more than fifty dollars. Penalty.

APPROVED, 4 February, 1850.

[No. 259.]

AN ACT

To provide for paying grand and petit jurors in the county of Henry.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, in all cases, except indictments, of judgment being rendered by the verdict of a petit jury in either the circuit or county courts of the county of Henry, the successful party shall, on the rendition of the same, pay over into the hands of the proper clerks of said courts, the sum of three dollars, to be by them taxed in the bill of costs as provided in other cases. Tax on verdicts,
three dollars.

SEC. 2. *Be it further enacted*, That in all cases when a judgment is rendered by the presiding judge of the circuit or county courts of Henry county, without the intervention of a jury, the successful party shall pay over into the hands of the proper clerks of said courts, the sum of two dollars, to be by them taxed in the bill of costs as in other cases. Tax on judgments when no
verdict, two dol-
lars.

SEC. 3. *Be it further enacted*, That the several sums required to be paid by the preceding sections, and the sum of two dollars to be collected from each party who may be convicted of an offence under the penal code of this state, shall be paid into the hands of the county treasurer.

SEC. 4. *Be it further enacted*, That all the moneys arising under the provisions of this act, when paid into the hands of the county treasurer, shall be by said treasurer paid over to the certificates of grand and petit jurors, upon being presented to said treasurer.

SEC. 5. *Be it further enacted*, That should more certificates be presented at the same time than can be paid out of said fund, it shall be the duty of said treasurer to pay first to the oldest, giving preference to the dates, until said fund shall be exhausted.

SEC. 6. *Be it further enacted*, That jury certificates be made equal in all respects to all other county claims, and that they be received in payment of county taxes.

SEC. 7. *Be it further enacted*, That the petit jurors receive the same compensation for their services as is now provided for by law for grand jurors.

SEC. 8. *Be it further enacted*, That should the clerk or sheriff fail or refuse to comply with the provisions of this act, requiring them to pay over the moneys by them collected, to the treasurer, upon demand made by said treasurer, it shall be the duty of the attorney general at the next term of the circuit court thereafter to be holden, to give notice to said defaulter that he will move the court for a fine of five hundred dollars for such default; and it shall be the duty of the presiding judge upon a verdict of guilty being returned by a jury, to enter up a judgment for five hundred dollars against said defaulter, for the use of the county.

SEC. 9. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

APPROVED, 4 February, 1850.

[No. 260.]

AN ACT

In relation to jurors and witnesses in Dale county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the law now in force in relation to drawing the grand and petit jurors in the county of Dale, approved the 25th February, 1848, be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That jurors and witnesses Pay per day. shall receive for their services one dollar per day and five cents per mile free of ferriages.

SEC. 3. *And be it further enacted*, That all jurors and ^{Certificates.} witness' certificates shall be receivable in county tax in the county of Dale.

APPROVED, 5 February, 1850.

[No. 261.]

AN ~~ACT~~

To repeal an act approved 25th February, 1848.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the law now in force in relation to drawing the grand ^{Repeals.} and petit jury in the county of Dale be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That jurors and witnesses Jurors allowed shall receive for their services one dollar per day and five ^{\$1 per day.} cents per mile.

SEC. 3. *And be it further enacted*, That all jurors and ^{Certificates.} witness' certificates shall pay county tax in the county of Dale.

APPROVED, 12 December, 1849.

[No. 262.]

AN ACT

To regulate the power of the commissioners' court of revenue and roads, and to reduce the pay of grand jurors in Marion county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act the commissioners' court of revenue and roads, in Marion ^{Restricted to 50} county, shall not be authorised to lay more than fifty per ^{per cent. on} cent. upon the amount of the state tax for county purposes, ^{state tax.} in no one year.

SEC. 2. *And be it further enacted*, That hereafter each ^{Pay of grand} person who shall serve as a grand juror, in said county of ^{jurors \$1 a day.} Marion, shall receive one dollar for each day he shall so serve; and each grand jury ticket hereafter issued in said county shall be received by the tax collector in payment of county tax, without regard to the date or number thereof, any law to the contrary notwithstanding.

APPROVED, 5 January, 1850.

[No. 263.]

AN ACT

To provide for the drawing a jury for the county court of Covington county, and for other purposes.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter there shall be drawn and summoned in the county of Covington twelve petit jurors for the county court of said county, which said jurors shall be drawn at the same time by the same persons and in the same manner and shall receive the same compensation as petit jurors of the circuit court, as now provided by law.

Drawing of petit jurors.

SEC. 2. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act be and the same are hereby repealed.

Repeals.

APPROVED, 29 January, 1850.

[No. 264.]

AN ACT

Providing for the pay of jurors in Sumter county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act it shall be the duty of the county treasurer for the county of Sumter to retain out of the public funds that may come into his hands prior to the session of the several courts for said county, a sum of money sufficient to discharge and pay the certificates of jurors who served as such during said courts.

Duty of county treasurer.

SEC. 2. *And be it further enacted,* That all laws and parts of laws coming within the purview of this law are hereby repealed.

Repeals.

APPROVED, 12 December, 1849.

[No. 265.]

AN ACT

To provide for the pay of tales jurors of Autauga county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act tales jurors of Autauga county shall be entitled to and receive the same pay and in the same manner as petit jurors: *Provided,* That in all instances talesmen shall have to

Pay regulated.

Provido.

travel from home to attend court, to entitle them to mileage and per diem pay; that in no instance shall a person made talesman for the day the summons is served be entitled to any pay, unless compelled to remain at court all night in consequence of being talesman; then and in that case he shall receive per diem pay only.

SEC. 2. *And be it further enacted,* That all laws and parts of laws coming in conflict with the provisions of this act be and the same are hereby repealed. Repeals.

APPROVED, 6 December, 1849.

[No. 266.]

AN ACT

For paying Petit Jurors for the county of Covington.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the grand and petit jurors in the said county of Covington shall receive a certificate for their services as is provided for grand jurors in said county, and that said certificates shall be received and paid in all cases as is provided for by law for the certificates of grand jurymen; and that each jurymen shall receive for his services one dollar per day besides mileage and other expenses as is now provided by law. Allowed \$1 per day and mileage.

SEC. 2. *Be it further enacted,* That in all cases hereafter to be tried in the circuit and county courts of said county, both civil and criminal, the sum of two dollars shall be taxed in the bill of costs by the clerk, and when collected by the sheriff shall be paid over into the county treasury for the use of the county. County tax of \$2 on each verdict.

SEC. 3. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act be and the same are hereby repealed. Repeals.

APPROVED, 6 December, 1849.

[No. 267.]

AN ACT

To regulate the selecting of jurors in the county of Marion.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the first day of May next the sheriff or other proper officer shall, during each term of the circuit court in the county of Marion, summon a jury from Duty of sheriff.

among the bystanders present, for the trial of each cause which shall be tried in said court; and no person so summoned shall receive any pay for his services as a juror unless they shall be detained upon the trial of said cause more than one day, and in that case each juror shall receive one dollar for each day he shall have so served.

Repeals. SEC. 2. *And be it further enacted*, That all laws coming in conflict with this act be and the same are hereby repealed.

APPROVED, 5 January, 1850.

[No. 268.]

AN ACT

To provide for paying jurors in justices' courts in Blount county.

Allowed fifty cents a day. SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That jurors in justices' courts in Blount county shall hereafter be allowed the sum of fifty cents each per day in lieu of the compensation now allowed by law.

APPROVED, 4 December, 1849.

[No. 269.]

AN ACT

To prevent juror's certificates being received in payment of county taxes in the counties of Covington and Tuskalooza.

Repeals. SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act no jurors' certificates or other county scrip shall be received in payment of county taxes in the counties of Covington and Tuskalooza; and that all laws or parts of laws contravening the provisions of this act be and the same are hereby repealed.

APPROVED, 14 January, 1850.

[No. 270.]

AN ACT

To provide for the paying the grand and petit jurors for the county of Coffee.

County tax on suits. SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the county tax in each and every suit, both civil and criminal, decided in the county and circuit courts

of Coffee county, shall be four dollars; and that the commissioners' court of said county set apart a sufficient portion of the revenue of said county, with the tax of four dollars, to pay each jurymen one dollar and fifty cents per day and mileage, with other expenses, as is now provided by law for paying grand jurors of said county; and that it be made the duty of the county treasurer to reserve said fund for the purpose of paying said jurymen, upon the presentation of their certificates; and that if any clerk or treasurer of said county shall fail to comply with the provisions of this act, he shall forfeit and pay a penalty of one hundred dollars, to be recovered in any court having jurisdiction of the same; and that the law now in force, imposing a tax of three dollars on the successful party, with all other laws contravening the provisions of this act, be and the same are hereby repealed.

Duty of com'rs' court.

Duty of county treasurer.

Penalty for failure.

APPROVED, 12 December, 1849.

[No. 271.] AN ACT

To change the pay of jurors and witnesses in the county of Tuskaloosa.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act jurors and witnesses attending the different courts in the county of Tuskaloosa shall receive for each and every day which they attend said courts the sum of one dollar per diem, instead of the amount now allowed by law.

Allowed \$1 per day.

SEC. 2. *And be it further enacted,* That all laws contravening the provisions of this act be and they are hereby repealed.

Repeals.

APPROVED, 4 December, 1849.

[No. 272.] AN ACT

For the relief of jurors in Baldwin county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of the judge of the county court of Baldwin county, on the application of the county treasurer of said county, to order to be set apart and appropriate, such sums of money, from time to time, as may be

Fund for pay-
ment of grand
and petit jurors.

in his judgment necessary and proper for the prompt payment of the certificates of the grand and petit jurors of said county; and it shall be the duty of said treasurer to set apart such sums for the payment of such demands, and retain the same specially for said purpose; and if said treasurer shall fail to make such application to said judge, with a proper report of the state of the treasury for that purpose, and he shall fail to pay such demands when presented, then the said treasurer shall be personally liable to pay said jurors, and may be sued for the same by said jurors before any tribunal having jurisdiction of the same; and all laws contravening the provisions of the above act be and the same are hereby repealed.

APPROVED, 9 February, 1850.

[No. 273.]

AN ACT

To regulate the pay of grand and petit jurors in the county of Pike.

Fund shall be
set apart.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of the commissioners' court of Pike county to set apart a fund for the payment of all grand and petit jurors in said county in the manner hereinafter prescribed.

Allowed \$1 50
a day.

SEC. 2. *Be it further enacted,* That hereafter the grand and petit jurors in said county shall be entitled to receive one dollar and fifty cents per diem for each days attendance on either the circuit or county courts of said county, and the mileage now allowed by law, and no more.

Duty of county
treasurer.

SEC. 3. *Be it further enacted,* That it shall be the duty of the treasurer of Pike county to attend each term of the circuit court of said county and pay in cash each juror such sum as he shall be entitled to under the provisions of this act.

Repeals.

SEC. 4. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act be and the same are hereby repealed so far as they relate to the county of Pike.

APPROVED, 14 January, 1850.

[No. 274.]

AN ACT

To provide for the compensation of jurors in justices' courts in Bibb county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter in all cases not now provided for by law, in which a jury may be necessary and summoned before any justice of the peace of Bibb county, for the trial of any cause, said jurors shall be entitled to receive for their attendance one dollar per day each, to be taxed in the bill of costs by the justice of the peace and collected as other costs in the case, out of the party cast in the suit. Allowed \$1 per day.

APPROVED, 11 February, 1850.

[No. 275.]

AN ACT

To increase the pay of jurors in Barbour county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act the grand and petit jurors in the county of Barbour shall each be allowed and receive in compensation of his services the sum of two dollars per day and five cents a mile as mileage in traveling to and from the court-house; and that all laws and parts of laws militating against the provisions of this act be and the same are hereby repealed. Allowed \$2 per day..

APPROVED, 30 January, 1850.

[No. 276.]

AN ACT

To repeal in part an act entitled An act to alter the mode of selecting grand jurors for the counties of Dallas, Tallapoosa, Tuskaloosa and Barbour, approved 17th January, 1844.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act entitled "An act to alter the mode of selecting grand jurors for the Counties of Dallas, Tallapoosa, Tuskaloosa and Barbour," approved the 17th of January, 1844, be and the same is hereby repealed so far as it operates on the counties of Barbour and Tuskaloosa. Repeals.

APPROVED, 22 December, 1849.

[No. 277.]

AN ACT

To compensate jurors serving on trials of the right of property in the counties of Franklin, Cherokee, Benton, Coffee, Marion, Lauderdale, Barbour and De Kalb.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter in all trials of the right of property before any justice of the peace in the county of Franklin, each person who shall serve on any jury in such trial, shall be entitled to receive the sum of fifty cents for each trial in which the jury shall render a verdict; which sum shall be taxed against the unsuccessful party in such suit; any law, usage or custom to the contrary notwithstanding.

Compensation
of persons in
Franklin.

SEC. 2. *And be it further enacted,* That the provisions of this act be extended to the counties of Cherokee, Benton, Coffee, Marion, Lauderdale, Barbour and De Kalb.

Extended to
other counties.

APPROVED, 30 January, 1850.

[No. 278.]

AN ACT

To amend the road law in Coosa county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That after the passage of this act the following persons shall be liable to work on, clear out and repair the public roads in the county of Coosa, to-wit: All free white male persons between eighteen and forty-five years of age, and all male slaves and other persons of color over sixteen and under fifty years of age, unless exempt from some actual inability. And the following persons shall be exempt by law and no others: All post-masters, ministers of the gospel, commissioners of roads and revenue and apportioners, while they serve as such, any law to the contrary notwithstanding.

Persons liable
to perform road
duty.

Persons exempt

APPROVED, 5 February, 1850.

[No. 279.]

AN ACT

To amend the road laws as to Dallas county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of the road law as exempts negro

Repeals.

men slaves from working on roads which lie more than six miles from their place of residence be and the same is hereby repealed, so far as the same is applicable to the county of Dallas: *Provided*, This act shall apply to such Proviso. hands only as would otherwise be liable to work on no public road.

APPROVED, 12 December, 1849.

[No. 280.]

AN ACT

Amending the road laws in Barbour county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the act entitled "An act to regulate the working of roads in Barbour county," approved 17th January, 1844, be and the same is hereby repealed. Repeals.

APPROVED, 6 December, 1849.

[No. 281.]

AN ACT

To compel certain persons to work on public roads in the county of Choctaw.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That clerks of the circuit and county courts, sheriffs, justices of the peace, millers, ferrymen, teachers of schools, students, ex-apportioners and overseers, militia officers and constables, shall hereafter be compelled to work on public roads in the county of Choctaw, any law or usage to the contrary notwithstanding. Persons liable to perform road duty.

APPROVED, 6 December, 1849.

[No. 282.]

AN ACT

To repeal an act entitled "An act to compel certain persons to work on roads in the county of Chambers."

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the above recited act be and the same is hereby repealed. Repeals.

APPROVED, 6 December, 1849.

[No. 283.]

AN ACT

To regulate the liability of persons to work on the public roads in the county of Benton.

Liability to
work on public
roads defined.

Proviso.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act the following persons shall be liable to work on, clear out and repair the public roads in the county of Benton: All white male persons between the age of eighteen and forty-five years, and all male slaves and other persons of color over sixteen and under fifty years of age, except ministers of the gospel and postmasters; any law to the contrary notwithstanding: *Provided, however,* This law shall not be construed to extend to apportioners during the time they act as such.

APPROVED, 6 December, 1849.

[No. 284.]

AN ACT

To repeal in part an act entitled "An act to compel certain persons therein named to work on public roads in Blount and Jackson counties."

Repeals.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of an act entitled "An act to compel certain persons therein named to work on public roads in Blount and Jackson counties," approved the 22d January, 1845, as compels licensed preachers to work on public roads in the counties of Blount and Jackson, be and the same is hereby repealed.

APPROVED, 4 December, 1849.

[No. 285.]

AN ACT

To exempt certain persons in Jefferson county from working on roads.

Exemption.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the teachers and students of all schools or academies in Jefferson county, so long as they may be connected with such schools in their respective pursuits, whether in vacations or otherwise, be and they are hereby exempted from working on roads.

APPROVED, 9 February, 1850.

[No. 286.]

AN ACT

Repealing in part an act to alter and amend the road laws in reference to the county of Limestone.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of an act approved 6th March, 1848, entitled "An act to alter and amend the road laws in reference to the county of Limestone," as allows to overseers of the road a compensation of two dollars per day for each day they may be employed on repairing and working roads; and that portion which repeals that provision of the road law exempting overseers of roads from working on roads for two years next after the expiration of their term of service be and the same is hereby repealed. Repeals.

APPROVED, 12 February, 1850:

[No. 287.]

AN ACT

To amend the road law of this state in the counties of Shelby, Marengo, Pike, Marion, Franklin, Pickens, Tallapoosa, Lawrence, Macon, Coosa, Clarke, Talladega, Washington, Choctaw, Sumter, Tuskaloosa, Wilcox, Monroe, Jefferson, Bibb, Limestone, Benton, Dallas, Covington, Chambers, Coffee, Henry, Conecuh, Morgan, Russell, Madison and Autauga.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter it shall be lawful for overseers of the public roads in the counties of Shelby, Marengo, Pike, Franklin, Marion, Pickens, Tallapoosa, Lawrence, Macon, Coosa, Clarke, Talladega, Washington, Choctaw, Sumter, Tuskaloosa, Wilcox, Monroe, Jefferson, Bibb, Limestone, Benton, Dallas, Covington, Chambers, Coffee, Henry, Conecuh, Morgan, Russell, Madison and Autauga to assign to persons liable to work such roads, and who may desire it, sections of roads to which they have been appointed, to be worked by them at such times and in such manner as they may choose; and such persons so contracting shall be liable to their respective overseers for all damages the said overseers may sustain from the failure or neglect of said persons to perform their duties as required by law, to be recovered before any justice of the peace or any other court having competent jurisdiction in the county where such overseer may reside: *Provided,* Nothing in this act contained shall prevent the prosecution of any overseer of roads so assigning portions of it in the same manner and in the same cases that he would now by law. Portion of road may be assign'd to particular hands.

Liability of persons.

Proviso.

APPROVED, 12 February, 1850.

[No. 288.]

AN ACT

To repeal in part an act compelling teachers of schools and students in Jefferson county to work on public roads.

Repeals.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of an act approved 13th of January, 1846, compelling teachers of schools and students to work on public roads in the county of Jefferson be and the same is hereby repealed.

APPROVED, 12 February, 1850.

[No. 289.]

AN ACT

To reduce the fees of the circuit and county clerks of the county of Covington for ex officio services.

May receive not exceeding fifty dollars for ex officio services.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act the circuit and county clerks of the county of Covington shall receive for their extra services yearly such compensation as the commissioners' court of said county may deem just and reasonable, not to exceed fifty dollars nor less than twenty dollars; and that all laws and parts of laws contravening the provisions of this act be and the same are hereby repealed.

APPROVED, 14 January, 1850.

[No. 290.]

AN ACT

To authorise Charles A. Stanly, of Covington county, to make a record, and for other purposes.

May make record of marriage licenses, &c.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Charles A. Stanly, clerk of the county court of Covington county, be and he is hereby permitted to make or cause to be made from the marriage licenses and certificates of marriages in his office, a complete record (as nearly as possible) of the marriage licenses in the county of Covington, at his own costs and charges, to supply the place of the original record which has been burnt and destroyed.

SEC. 2. *And be it further enacted,* That said record when so made shall be deemed and held to be a record of

said county to all intents and purposes, and shall have the same force and validity in every respect as other records of marriage licenses have. Declared a record.

APPROVED, 5 December, 1849.

[No. 291.]

AN ACT

In relation to the compensation of the sheriff and clerks of Bibb county for *ex officio* services.

Whereas the amount of regular fees of the several offices of sheriff and of clerks of the circuit and county courts of the county of Bibb are small and greatly disproportionate to the amount of *ex officio* services required at their hands, therefore Preamble.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter the judge of the county court and commissioners of roads and revenue in said county be and they are hereby authorised in all cases when they deem it just and proper to allow to each or any of said officers for *ex officio* services a sum not exceeding one hundred dollars, instead of the limit now fixed by law. Court may allow \$100 for *ex officio* services.

APPROVED, 14 January, 1850.

[No. 292.]

AN ACT

To repeal an act approved January 26th, 1848.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the law now in force levying a certain per cent. on the state tax of Dale county, for the purpose of paying grand and petit jurors, be and the same is hereby repealed. Repeals.

APPROVED, 5 January, 1850.

[No. 293.]

AN ACT

To repeal an act authorising one person to hold the offices of circuit and county clerk in the county of Covington.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the act now in force authorising the election of one person to hold the office of clerk of the circuit and county courts of the county of Covington be and the Act repealed.

same is hereby repealed ; and that this act take effect from and after the expiration of the term of office for which the present incumbent is elected.

APPROVED, 5 January, 1850.

[No. 294.]

AN ACT

To authorise the clerk, treasurer and sheriff of Fayette county to receive state witness' tickets in payment of fines and forfeitures.

Duty of clerk,
sheriff, &c

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act it shall be the duty of the clerk of the circuit court, the county treasurer and sheriff of Fayette county, to receive in payment of fines and forfeitures all state witness' tickets that may be chargeable to the county treasury of said county : *Provided,* The same shall be registered by the treasurer of said county agreeably to law ; any law or usage to the contrary notwithstanding.

APPROVED, 5 February, 1850.

[No. 295.]

AN ACT

To make the county treasurer and county surveyor for the counties of Marshall, Marion, Russell, Covington, Conecuh and Walker elective by the people.

To be elected
by the people.

Term of office.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter the county treasurer and the county surveyor of the counties of Marshall, Marion, Russell, Covington, Conecuh and Walker shall be elected by the people, and hold their offices for the term of two years.

Elections regu-
lated.

SEC. 2. *Be it further enacted,* That the first election of county treasurer and county surveyor for the counties of Marshall, Marion, Russell, Covington, Conecuh and Walker, shall be held at the next general election, the first Monday in August next, and every two years thereafter, and shall be governed and controlled by the laws now regulating elections ; and there shall be hereafter at every general election for members of the general assembly held an election for county treasurer and county surveyor for the counties of Marshall, Marion, Russell, Covington, Conecuh

and Walker; and in case of vacancy in either of said offices by death, resignation or otherwise, the said vacancy shall be filled by the judge of the county court and commissioners of roads and revenue.

SEC. 3. *And be it further enacted,* That the county treasurer of the counties of Marshall, Marion, Russell, Covington, Conecuh and Walker, shall reside within two miles of the court house. Shall reside within 2 miles of court house.

APPROVED, 21 January, 1850.

[No. 296.] AN ACT

To repeal an act entitled "An act to define and regulate the duties of county treasurer and tax collector for the county of Russell."

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act entitled "An act to define and regulate the duties of county treasurer and tax collector for the county of Russell," approved on the twenty-first day of December, 1841, be and the same is hereby repealed. Repeals.

APPROVED, 12 December, 1849.

[No. 297.] AN ACT

To require the annual publication of the condition of the treasury of the counties of Pickens and Lauderdale.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act the examiners of the books and vouchers of the treasurers of the counties of Pickens and Lauderdale be required, on the first day of January in each and every year, to publish in some newspaper of said county a statement showing the nature and amount of all appropriations that have been made from the county treasury during the preceeding year, together with a statement of the claims that have been paid off, and an exhibit of the balance remaining in the treasury at the time of making said publication. Report of examiners of books of co. treasurer to be published.

SEC. 2. *And be it further enacted,* That if the examiners of the treasury of said counties shall fail, refuse or neglect to make such publication as above required, each examiner so failing, refusing or neglecting, shall forfeit and pay the sum of one hundred dollars, to be recovered Penalty for failure.

at the suit of any person, by an action of debt, in any court of competent jurisdiction, one-half to the use of the person suing for the same, and the other half to the use of said county.

APPROVED, 21 January, 1850.

[No. 298.]

AN ACT

To require bailiffs' certificates to be received in payment of county taxes in the county of Butler.

Bailiffs' certificates; how paid. SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the certificates of bailiffs, given for their attendance on the circuit courts in the county of Butler, are hereby required to be paid out of the county treasury of said county, in like manner as jurors' certificates are required to be paid.

Received in payment of taxes. SEC. 2. *And be it further enacted,* That said bailiffs' certificates shall be receivable in payment of county taxes for said county, in the same manner as jurors' certificates are now required to be received.

APPROVED, 31 January, 1850.

[No. 299.]

AN ACT

To require the treasurers of the counties of Chambers, Shelby, Barbour, Butler, Benton, Walker, Clarke, Randolph and Pike, to make semi-annual reports, and for other purposes.

Shall make semi-annual reports. SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act the treasurers of the counties of Chambers, Shelby, Barbour, Butler, Benton, Walker, Clarke, Randolph and Pike, each for his respective county, shall prepare, and on the first Monday of every regular term of the circuit court of said counties, report to their respective grand juries the amount of money paid into the county treasury, specifying the several sums, the time when paid, and the source of the same; Details of report also the amount paid out of the county treasury, specifying to whom, when, and how much paid, and striking a balance in each report; an abstract of which shall, at the same time,

be prepared and put up in their respective court houses by said treasurers.

SEC. 2. *Be it further enacted*, That it shall be the ^{Duty of grand} duty of the grand jury in each of said counties, at every ^{jury.} regular term of the circuit court, to appoint three or more of their body to examine said report; also the books and vouchers belonging to the office of the county treasurer; and true presentment make of the condition of the same, to be entered of record by the clerk of said court.

SEC. 3. *Be it further enacted*, That for every failure to perform the duties required in the first section of this act, ^{Penalty on} or upon failing or refusing to open his office to the inspection of the grand jury, as above directed, the treasurer of the county so failing, shall be subject to a fine of five hundred dollars, to be recovered for the use of the county by motion of the solicitor at the term of the court when such failure shall happen. ^{treasurer failing to perform duty.}

SEC. 4. *And be it further enacted*, That section-28, page ^{Repeals a cer-} 580, Clay's Digest, which requires the judges of the county ^{tain law.} courts to appoint three fit persons to examine the books and vouchers of the county treasurers, and report the situation of the same, be and the same is hereby repealed, so far as relates to the counties of Chambers, Shelby, Barbour, Butler, Benton, Walker, Clarke, Randolph and Pike: *Provided*, That nothing herein contained shall be so construed as to deprive commissioners' courts of the power ^{Proviso.} given in the 25th section of the same page.

APPROVED, 9 February, 1850.

[No. 300.]

AN ACT

To authorise justices of the peace in the city of Tuscaloosa to hold their monthly courts at their respective offices separately.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the justices of the peace in and for the city of Tuscaloosa may each separately and unassisted by his co-justice ^{Justices may} in the beat, hold monthly courts at their offices within their ^{hold monthly} respective beats; any law, usage or custom to the contrary ^{courts separate} notwithstanding.

APPROVED, 4 February, 1850.

[No. 301.]

AN ACT

To repeal an act approved January 15th, 1848:

Repeals.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of an act approved January 15th, 1848, as relates to the compensation of the county treasurer of Butler county, be and the same is hereby repealed.

APPROVED, 12 February, 1850.

[No. 302.]

AN ACT

To repeal an act approved December 20th, 1847.

Repeals.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the law now in force compelling the judge of the county and orphans' court to reside within one mile of the court house of Dale county, be and the same is hereby repealed.

APPROVED, 5 January, 1850.

[No. 303.]

AN ACT

To repeal an act therein named, approved the 4th day of February, 1848.

Repeals repealing act.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the act heretofore approved the 4th day of February, 1848, repealing an act regulating justices' courts in the county of Randolph, be and the same is hereby repealed.

APPROVED, 1 February, 1850.

[No. 304.]

AN ACT

To establish justices' courts in the county of Marshall.

Justices' courts to be held once a month.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the courts of justices of the peace in the county of Marshall shall be holden regularly once in each month, and at no other time except to hear and determine rules against constables.

SEC. 2. *Be it further enacted,* That all process issued by Of process. a justice of the peace which is not returnable to some superior court of law or equity, shall be returnable at the regular term of holding such justices' courts, otherwise the same shall be utterly void; nevertheless should any suit be instituted in any of said courts within five days preceding the time of holding said court, the same shall be made returnable to the second term of the court after the issuance thereof.

SEC. 3. *Be it further enacted,* That the justices of the peace in every beat shall hold their courts at the same place Justices in beat to hold at same place and same day. and on the same day, which shall be either on the first, second, third or fourth Saturday in January next, as they may agree among themselves, and monthly thereafter: Nevertheless, all justices of the peace in said county of Marshall shall be governed by the laws now in force, as to the time and manner of holding their courts, until the period arrives for the commencement of monthly sessions as prescribed by this act, which monthly sessions may be adjourned over to the succeeding Monday if unfinished business makes it necessary.

SEC. 4. *Be it further enacted,* That all constables' sales shall be holden at the same time and place of holding the justices' courts in the beat where the sale takes place; Constables' sales. but if the property to be sold should be of such description as to make it inconvenient to remove the same to the place of holding said courts, then and in such cases the property may be sold, on ten days' notice, at any public place in the beat, or at the residence of the defendant if required by said defendant; and it shall be the duty of the constable, in every instance of sale, to give notice of at least ten days, in writing, of such sale, by advertisement at the place of holding the same and at least one other public place in the beat: *Provided, however,* That nothing in this act shall be so construed as to alter the mode now prescribed by law for the disposition of slaves taken by virtue of an execution, or property of a perishable nature taken by virtue of an original attachment.

SEC. 5. *Be it further enacted,* That such justices' courts and constables' sales shall be held at the muster ground in Courts and sales shall be held at muster grounds. the several beats; or if for want of a building at said muster ground or other manifest inconvenience it becomes necessary, the justices of the peace and the constable may fix upon such other place as they may deem most proper, within the limits of the beat.

Jury trials. SEC. 6. *Be it further enacted*, That jury trials before the justices' courts shall be holden under the same rules and regulations as heretofore provided for jury trials before justices of the peace in the said county of Marshall.

Pay of jurors in justices' courts. SEC. 7. *Be it further enacted*, That each juror who may be summoned and who attends as a juror at any justices' court in the said county of Marshall, shall be entitled to receive fifty cents for each day that he may serve, to be paid by the losing party and to be taxed in the bill of costs as other cost.

Repeals. SEC. 8. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act be and the same are hereby repealed.

APPROVED, 5 January, 1850.

[No. 305.]

AN ACT

To establish justices' courts in the county of Marshall.

Repeals. SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That so much of the third section of an act entitled an act to establish justices' courts in the county of Marshall, approved 5th February, 1850, as requires justices of the peace to commence holding monthly courts in January, 1850, be and the same is hereby repealed.

Courts 1st Saturday in each month. SEC. 2. *And be it further enacted*, That the justices of the peace shall hold their courts under the provisions of the above recited act on the first Saturday in April next and monthly thereafter.

APPROVED, 13 February, 1850.

[No. 306.]

AN ACT

To constitute a company beat or beats, in the county of Jefferson, with a less number of privates than forty.

New beat may be formed. SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act the regimental court martial of the fifteenth regiment, third brigade, seventh division, Alabama militia, in the county of Jefferson, be and they are hereby authorised and empowered to so alter and change the beat lines in said regiment, to suit the convenience of the citizens thereof, as to constitute one or more company beats with a less number of privates than forty : *Provided, however*, That said court mar-

tial shall not be allowed to create any new beat within the bounds of said regiment: *Provided further*, That this act shall not be so construed as to affect the rights of any militia officer acting under the authority of a commission from the governor.

APPROVED, 14 December, 1849.

[No. 307.]

AN ACT

To establish an additional beat in the eighty-eighth regiment, in the county of Jefferson.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act Curtis Houghton, Dr. Samuel Parsons, Samuel T. Huey, A. H. Lard and William Burchfield, or a majority of them, be and they are hereby authorised to designate and mark out, if necessary, a line dividing the beat known as the Mud Creek beat in the eighty-eighth regiment, third brigade and seventh division, Alabama militia, in the county of Jefferson, into two beats as near equal in regard to numbers as may suit the convenience of the citizens thereof, and that portion lying on the Warrior river shall be an additional beat; and the said Curtis Houghton, Dr. Samuel Parsons, Samuel T. Huey, A. H. Lard and William Burchfield, or a majority of them, so soon as they have made said division, shall report the same to the colonel of said regiment, and said beat shall be numbered and compose a part of said regiment. New beat established.

SEC. 2. *Be it further enacted*, That the citizens of said beat, at the next general election for justices of the peace and constables, are hereby authorised to proceed to elect two justices of the peace and one constable for said beat, in the manner now prescribed by law. Civil officers to be elected.

SEC. 3. *Be it further enacted*, That this act shall not be construed to affect the rights of any militia officer acting under the authority of a commission from the governor; but he shall be allowed to exercise the duties of his office in the beat to which he may be attached in consequence of said division, as fully as if said division had not been made, any law, custom or usage to the contrary notwithstanding. Rights of persons now in office reserved.

APPROVED, 31 January, 1850.

[No. 308.]

AN ACT

To repeal an act entitled "An act to authorise the people of beat No. 6, in Jefferson county, to elect an additional justice of the peace for said beat, to reside in the corporation of the town of Elyton," approved December 4th, 1833.

Repeals.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act approved on the 4th day of December, 1833, authorising the people of beat No. 6, in the county of Jefferson, to elect an additional justice of the peace for said beat, to reside in the corporation of the town of Elyton, be and the same is hereby repealed.

Papers and docket shall be transferred.

SEC. 2. *And be it further enacted,* That upon the expiration of the term of the justice of the peace last elected under the provisions of the above recited act, or in case of his death, resignation or removal, the docket and papers pertaining to said office shall be handed over or passed to one of the two justices in said beat.

APPROVED, 1 February, 1850.

[No. 309.]

AN ACT

To attach the regiment numbered 81 to the 18th brigade, and for other purposes.

Attached.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act the eighty-first regiment of Alabama militia shall be attached to and form a part of the eighteenth brigade of Alabama militia.

Musters regulated.

SEC. 2. *And be it further enacted,* That the battalion of the said eighty-first regiment, which lies south of the Tennessee river, shall not be required hereafter to cross said river for the purposes of battalion or regimental review; but that each of the battalions composing said regiment shall be reviewed and perform militia duty on that side of the river on which they may be organised.

APPROVED, 2 February, 1850.

[No. 310.]

AN ACT

To establish a captain's beat on the Lookout mountain in Cherokee county, and for other purposes.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act there shall be and is hereby established a captain's beat company upon the Lookout mountain in the county of Cherokee, which may be composed of a less number of persons than is now required by law to constitute a beat company: *Provided,* That the said beat shall contain not less than thirty men, exclusive of commissioned officers, legally liable to do military duty. Captain's beat company established.

SEC. 2. *Be it further enacted,* That the boundaries of said beat company shall be as follows, to wit: commencing on the DeKalb county line at or near Joel Casey's, running east so as to include said Casey, Patterson and Lot Day, to the eastern brow of said Lookout mountain; thence along said eastern brow of said mountain to the trail crossing said mountain, leading from Chisolm Daniel's to Potter's gap until said trail intersects with the line of DeKalb county; thence along said line to the beginning point. Boundaries.

SEC. 3. *Be it further enacted,* That on the first Monday in March next there shall be an election held at the residence of Asa R. Brindley, in said beat, for civil and military officers for the same, who shall hold their offices for the term now prescribed by law. Election for officers, when held.

SEC. 4. *Be it further enacted,* That there shall also be established upon the said mountain in the county of DeKalb a militia company beat, to be composed of a number of privates less than the number now required by law: *Provided,* The number shall not be less than thirty; which beat shall be bounded as follows: commencing at the Caperton road at the top of the mountain, thence north so as to include J. Kilgore and W. J. Putnam, intersecting with said road at the ford of the west prong of Town creek, and with said road to the Jackson county line; thence west with said line ten miles; thence south to the top of the mountain, so as to include William Cavin; thence with the brow of said mountain to the commencing point. Militia comp'ny beat established.

SEC. 5. *Be it further enacted,* That an election for captain and subordinate officers in said company shall be held on the first Saturday in March next, at the house of John Davis. Boundaries.

SEC. 6. *Be it further enacted,* That a militia company be and the same is hereby established on the Sand moun- Election for officers, when held. Company established.

Boundaries.

tain in the county of DeKalb, bounded as follows: beginning on the brink of the mountain opposite Jacob Gibson's, or as nearly so as may be, and run thence northward with the western boundary line of the beat established by the fourth section of this act to the Jackson county line; thence westward to the line of the Briggs beat; thence southward to include Jesse McCraw to the brink of the mountain, and along the mountain to the beginning: *Provided*, Said company shall not consist of less than thirty privates and shall be attached to the battalion in which it is situated.

Proviso.

Election for officers, when held.

SEC. 7. *And be it further enacted*, That P. M. Nelson be and he is hereby authorised to hold an election at Johnson's school house in said beat on the twenty-third day of February, 1850, for commanding officers of said beat, and certify the said election to the commanding officer of the regiment in which said beat is situated, who shall certify such election for commissions, as in other cases: *Provided*, That no militia company now established shall be reduced below the lawful number by the creation of the beats intended to be created by this act.

Proviso.

APPROVED, 9 February, 1850.

[No. 311.]

AN ACT

To authorise the commissioners of township twelve, range six, in the county of Wilcox, to rescind a certain contract therein specified, and for other purposes.

Contract with R. D. Price may be rescinded.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the commissioners of the sixteenth section in township twelve, range six, in the county of Wilcox, be and they are hereby authorised to rescind the lease or contract made heretofore with R. D. Price, and by agreement with the assignee or successor of the said Price or person entitled to possession under the terms of said lease, the commissioners aforesaid may rescind the contract so far as relates to the unexpired term of a lease upon a certain lot in said sixteenth section which had been reserved from sale.

Commissioners may sell unsold portions of 16th sections.

SEC. 2. *And be it further enacted*, That the said commissioners be and they are hereby authorised to sell any part of said section which has been heretofore reserved from sale, by the consent of the inhabitants of said township obtained as is provided for under the provisions of the existing law; and that said commissioners be and they are

hereby authorised to apply so much of the funds annually accruing to said township to the purpose of aiding in the erection of a school house in some central part of said township: *Provided*, Said sum does not exceed one hundred dollars.

APPROVED, 5 February, 1850.

[No. 312.]

AN ACT

To determine the amount advanced by Ferdinand Lee for his township.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the commissioners' court of Barbour county be and is hereby authorised to inquire into and determine the amount of money and interest thereon heretofore advanced by Ferdinand Lee, of township thirteen, range twenty-seven, in Barbour county, for the purposes of education in said township; and which at the time of said advance it was lawful to have reimbursed to him out of the interest upon the purchase money of the sixteenth section of said township, had the same been collected, but which was not so reimbursed because of the failure of the purchase of said section; and the said court shall issue in favor of said Lee, a warrant for the sum so determined to be due him, upon the officer having in charge the school funds of said township; and said officer, on presentation of said warrant, shall pay the sum out of said fund, provided that only the annually accruing interest of the principal fund, and no part of said principal fund, shall be so expended.

Amount due to be ascertained and paid.

APPROVED, 1 February, 1850.

[No. 313.]

AN ACT

For the relief of the citizens of township sixteen, range seven, east, Benton county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That said act entitled an act for the relief of the citizens of township sixteen, of range seven, east, in the county of Benton, approved 15th January, 1844, be and the same is hereby revived and continued in force; and said

Act of 1844 revived.

Duty of Montgomery branch bank.

branch bank is hereby required to pay over to the commissioners of said township sixteen, of range seven, east, in Benton county, all such sums of money due said township as specified in the said last mentioned act, approved 15th January, 1844.

Governor shall cause certificate of stock to issue.

SEC. 2. *And be it further enacted*, That the governor is hereby required to issue to the commissioners of said township under an act "to regulate permanently the sixteenth section fund," approved 6th March, 1848, an additional certificate so that said commissioners may annually draw the interest arising from the notes deposited in said branch bank the sale of said sixteenth section.

APPROVED, 12 February, 1850.

[No. 314.]

AN ACT

To authorise William P. Browne to build a toll bridge across Big Cahawba river.

May build bridge.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That William P. Browne, at present of the county of Bibb, be and he is hereby authorised to build a bridge across the Big Cahawba river, in said county, on either sections nine, ten or sixteen, in township twenty-four, range ten, east: *Provided*, That said bridge shall not be so constructed as to injure the navigation of said river.

Proviso.

Completed, toll may be charged.

SEC. 2. *Be it further enacted*, That when said Browne, his legal representatives or assigns, shall have built a good and substantial bridge as aforesaid, he shall be entitled to demand and receive from all persons crossing said bridge, such toll as the commissioners' court of Bibb county shall determine and authorise: *Provided*, That at all times whenever the said bridge shall be out of repair and unsafe for vehicles or horsemen, it shall be lawful, upon proof of that fact, for the commissioners' court of said county to order that no toll be charged until it is fully repaired and made safe: *And provided further*, That said Browne, his legal representatives and assigns, shall be held bound for all injuries which may be sustained in passing said bridge, when the result of the negligence of the keeper, or from want of repairs to the bridge.

Proviso.

Proviso.

SEC. 3. *And be it further enacted*, That the privileges hereby granted shall continue to said William P. Browne,

his legal representatives and assigns, for ten years from the passage of this act. Duration of privileges.

APPROVED, 8 February, 1850.

[No. 315.] AN ACT

Declaring Village Creek, in the county of Jefferson, a public highway up to the mill owned by Thompson Camp & Co., in said county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act Village Creek, in the county of Jefferson, be and the same is hereby declared a public highway up to the mill belonging to Thompson Camp & Co., subject to the same laws as now regulates and protects other highways. Declared a public highway

APPROVED, 21 January, 1850.

[No. 316.] AN ACT

To declare the Cahawba river a public highway.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act the Cahawba river from Centreville, in the county of Bibb, up to Ellington's ferry, in the county of Jefferson, be and the same is hereby declared a public highway. Declared a public highway

APPROVED, 12 December, 1849.

[No. 317.] AN ACT

To authorise Richard Chilton to construct a mill dam across Loss creek.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Richard Chilton, of the county of Walker, be and he is hereby authorised to construct a mill dam not to exceed six feet in height across Loss creek in said county, in township sixteen and range seven: *Provided*, Said mill dam shall be on lands belonging to the said Richard Chilton. R. Chilton may construct a dam
Proviso.

APPROVED, 5 January, 1850.

[No. 318.] AN ACT

To declare the Buttahatchey river a public highway.

Declared a public highway.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Buttahatchey river be and the same is hereby declared to be a public highway from the Mississippi state line to the Military Ford in Marion county.

APPROVED, 30 January, 1850.

[No. 319.] AN ACT

To declare Alexander's mill creek, in the county of Coffee, a public highway.

Declared a public highway.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act Alexander's mill creek, flowing into the Choctahatchie river from the east, in the county of Coffee, be and the same is hereby declared a public highway.

APPROVED, 2 February, 1850.

[No. 320.] AN ACT

To declare Lost and Wolf creeks, in the county of Walker, public highways.

Declared a public highway.

Proviso.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Lost creek, as far up as township No. 13, Range 8, west, and Wolf creek, as far up as Cheatom's road, in the county of Walker, be and they are hereby declared public highways: *Provided, nevertheless,* That all mill dams, heretofore erected on said creeks, are not to be interfered with; but no dam to be hereafter raised on either of said creeks to exceed six feet in height.

APPROVED, 6 December, 1849.

[No. 321.] AN ACT

To authorise Richard H. Adams to erect gates across a road therein mentioned.

May erect a gate.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Richard H. Adams, of Marengo county, be and he is

hereby authorised to erect and keep up gates at or near the places at which the boundary lines of his plantation in said county cross the road known as the lower road from Spring Hill, through Powell's creek swamp, to Uniontown, in Perry county; and it shall be the duty of persons passing through said gates to close the same after them: *Provided*, The said Adams or his representatives shall keep said gates in good order and so that they can be opened and shut without difficulty.

APPROVED, 2 February, 1850.

[No. 322.] AN ACT

Investing the commissioners' court of Cherokee county with power to authorise Alexander T. Mitchell to erect a mill dam across Chattooga river.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the court of commissioners of revenue and roads for Cherokee county are hereby empowered to grant to Alexander T. Mitchell, of said county, the right to erect a mill dam upon his own land across the Chattoga river in said county, if in their opinion the public interest will not be prejudiced thereby: any law to the contrary notwithstanding.

Powers conferred on com-
mr's. court of
Cherokee Co.

APPROVED, 29 January, 1850.

[No. 323.] AN ACT

To declare the north prong of the Fendrick branch of the Warrior river a public highway, and for other purposes.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the north prong of the Fendrick branch of Warrior river be and the same is hereby declared to be a public highway, from its mouth up to the line dividing sections twenty-three and twenty-four, first above its mouth.

Declared a public
highway.

SEC. 2. *And be it further enacted*, That Alfred Hatch and others, his associates, be and they are hereby authorised to remove the obstructions to the navigation of said branch between the points mentioned in the first section of this act: *Provided*, The same shall be done without any public charge upon the state, or the county of Greene, or any private charge upon any of the citizens of Greene county.

Obstructions
may be removed.

APPROVED, 7 February, 1850.

[No. 324.]

AN ACT

To continue a board of commissioners for the improvement of the navigation of the Black Warrior river.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the following persons, to-wit: James Hogan, Jesse Vanhoose, William Cochran and Henry Snow, of Tuscaloosa; George Powell, James Jones and Heeliard Sapp, of Blount county; David Hanby and Thompson Camp, of Jefferson county; and R. Shelton and B. B. Smith, of Walker county, be and they are hereby constituted a board of commissioners with all the authority and rights granted, and subjected to the same restriction required by "An act, to establish a board of commissioners for the improvement of the navigation of the Black Warrior river, and for other purposes," approved February 1, 1839, who may apply the unexpended balance of the appropriation made by said act on a downward or upward navigation of the Black Warrior river, as they may think best; and when any services have been performed or contract made, the president of said board may draw an order in favor of any person or persons performing such services or engaged in such contract, upon the assistant commissioner employed in the state bank at Tuscaloosa, or upon the general commissioner, which order shall be a good voucher on any settlement with the general commissioner.

SEC. 2. *And be it further enacted,* That the board of commissioners authorised by this act may publish the manner, the time and place of letting out contracts as they may think best; and every law contrary to the provisions of this act is hereby repealed.

APPROVED, 1 February, 1850.

[No. 325.]

AN ACT

To declare Short creek a public highway.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act Short creek in the county of Jefferson, be and the same is hereby declared a public highway from where it empties into the Warrior river up to where the Tuscaloosa road crosses the same in said county.

APPROVED, 4 February, 1850.

[No. 326.]

AN ACT

To authorise Isaac Lyttleton to erect a gate and charge toll on his bridge across Yellow Leaf creek.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,*

That Isaac Lyttleton be and he is hereby authorised to erect a gate on the bridge built by him across Yellow Leaf creek in the county of Shelby; and he may demand and receive toll for crossing said bridge, for the term of ten years from the passage of this act, according to the following rates, to-wit: For every four wheel carriage, forty cents; for every four wheel wagon, forty cents; for every two wheel carriage, twenty cents; for every cart, twenty cents; for every man and horse, ten cents; for each loose horse, three cents; for each head of cattle, two cents; for each head of sheep or hogs, two cents: *Provided*, The

May erect a gate on bridge built by him across Yellow Leaf creek.

said Isaac Lyttleton shall not in any way obstruct or interfere with the road or ford across said creek near the said bridge, but the same shall be worked upon and kept up as is now done: *And provided further*, That if, at any time, the commissioners' court of said county shall pay the said Isaac Lyttleton such sum as may be agreed upon or the said court deem just compensation for said bridge; or if the citizens of said county shall pay him such sum as may be agreed upon or the said court shall deem just, then said bridge shall be a free bridge.

Rates of toll may be charged

Proviso.

APPROVED, 5 February, 1850.

[No. 327.]

AN ACT

To authorise George and G. H. Baker, and associates, to erect a toll bridge across North river, near their residence, in Tuscaloosa county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,*

That George and G. H. Baker, of Tuscaloosa county, and their associates, be and they are hereby authorised, under such articles of association as they may adopt for their own government, not inconsistent with the constitution and laws of this state, to erect a toll bridge across North river, at such point as they may select, near the residence of said George Baker; and to charge such tolls and during such time as the commissioners' court shall prescribe.

May erect bridge.

May charge toll

APPROVED, 11 February, 1850.

[No. 328.]

AN ACT

To authorise John D. Barrow and his associates to build a dam across the Tallapoosa river, in Randolph county, for manufacturing purposes.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,
 May build dam. That John D. Barrow and his associates be and they are hereby authorised to build a dam across the Tallapoosa river, in Randolph county, at or near Walker's ford on said river, for manufacturing purposes: *Provided*, Said dam shall not exceed six feet in height: *And provided*
 Proviso. further, That back water from said dam shall not overflow the farm or farms of any other person or persons whatever.
 Proviso. APPROVED, 11 February, 1850.

[No. 329.]

AN ACT

To repeal the "Act to improve the navigation of Bayou La Batre, in the county of Mobile."

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,
 Repeals. That the act to improve the navigation of the Bayou La Batre in the county of Mobile, approved February 29th, 1848, be and the same is hereby repealed.
 APPROVED, 4 February, 1850.

[No. 330.]

AN ACT

To declare the Three Mile creek, in the county of Mobile, a navigable stream, and for other purposes.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,
 Declared a navigable stream. That the said Three Mile creek, in Mobile county, be and the same is hereby declared a navigable stream with the restrictions hereinafter mentioned.

SEC. 2. And be it further enacted, That the citizens of Mobile county are hereby authorised to build and construct or repair any bridge or bridges over the said creek: *Provided*, They be built sufficiently high or otherwise constructed so as not to impede the free navigation of said creek by flatboats, barges, or other water craft fit for the navigation of said creek without masts, spars or chimneys; and no such craft with masts, spars or chimneys increasing their height shall be allowed to obstruct or interfere with

Bridges may be constructed.
 Proviso.

any bridge or other improvement on said creek ; any thing in this act contained to the contrary notwithstanding.

APPROVED, 30 January, 1850.

[No. 331.] AN ACT

To amend an act establishing a board of physicians for the town of Talladega.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened;* That James W. Simmons be and he is hereby Member added. created a member of the medical board for the town of Talladega.

SEC. 2. *And be it further enacted,* That it shall be the His duty. duty of the said Simmons to examine all applicants for license to practice dental surgery, and on finding them duly qualified, to report the same to said board, who shall be authorised to grant license as in the case of applicants for the practice of medicine.

APPROVED, 4 February, 1850.

[No. 332.] AN ACT

To authorise Green B. Wolley to practice and charge for his services as a physician.

Whereas Green B. Wolley, of Perry county, has during Preamble. twelve years past been engaged in administering medicine and practicing as a physician, free of charge, and has now very considerable skill in the practice, and has thereby acquired the confidence of the people amongst whom he lives and has practiced, as well as their gratitude for his many services during seasons of sickness, and for which he has hitherto refused to receive pay, as it would have been a violation of the law ; all of which is made to appear by a petition numerously signed and sent up ; therefore

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the said Green B. Wolley be and he is hereby authorised to practice medicine without obtaining May practice medicine without a license. any other license, and to charge and collect reasonable compensation for his services free from any penalty ; any law or usage to the contrary notwithstanding.

APPROVED, 2 February, 1850.

[No. 333.]

AN ACT

Constituting James Graham and Felix Hubbard liners, &c.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That James Graham and Felix Hubbard be and they are hereby declared liners; the former between the county of Russell and Chambers, and the latter between the county of Russell and Macon.

May vote and perform public duty in Russell. SEC. 2. *And be it further enacted,* That the said Graham and Hubbard shall be entitled to vote in Russell county, and shall be compelled to perform all such duties in said county of Russell as citizens of said county are now required to do.

APPROVED, 2 February, 1850.

[No. 334.]

AN ACT

To change the names of certain persons therein named.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act the names of Matilda Jane Lewis, Mahala Susan Elizabeth Lewis, Jesse Bryant Lewis, Zilla Lewis and Zelia Lewis, of the county of Covington, be and they are hereby changed to Matilda Jane Beck, Mahala Susan Elizabeth Beck, Jesse Bryant Beck, Zilla Beck and Zelia Beck.

APPROVED, 14 December, 1849.

[No. 335.]

AN ACT

To change the name of a person therein named.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the name of Matthew Robinson McClung, of Madison county, be changed to Matthew McClung Robinson.

APPROVED, 30 January, 1850.

[No. 336.]

AN ACT

To change the name of Wily and Martha Turner, of Choctaw county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,*

That from and after the passage of this act the name of Wily Turner and Martha Turner, of Choctaw county, minors, be and they are hereby changed to that of Wily D. Humphrey and Martha A. Humphrey. Changed.
Turner to Humphrey.

APPROVED, 30 January, 1850.

[No. 337.]

AN ACT

To change the names of certain persons therein named.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,*

That from and after the passage of this act the names of Edward H. Duce and Mary Janette Varnell, of the county of Talladega, be and the same are hereby changed to that of Edward Henry and Mary Janette Henry; and they are hereby made legal heirs of Edward Henry, of the county aforesaid; and that they be entitled to all the rights and privileges of lawfully begotten children of said Henry, and be capable of taking by inheritance or otherwise any property, real or personal, which may descend to them as such. Changed.
Duce and Varnell to Henry.

Privileges.

APPROVED, 29 January, 1850.

[No. 338.]

AN ACT

To change the names of certain persons.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,*

That the names of Martha M. Cody and of Mary C. Cody, of Perry county, be and they are hereby changed to Martha M. Courtney and Mary C. Courtney; and by these names they shall hereafter respectively be known and called; any usage or custom to the contrary notwithstanding: *Provided,* The said Martha M. may be sued by her present name during twelve months after the passage of this act. Cody to Courtney.

Proviso.

APPROVED, 26 January, 1850.

[No. 339.]

AN ACT

To change the name of Jefferson W. Park to that of Jefferson W. Stringfellow, and for other purposes.

Changed and
made heir.

Proviso.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the name of Jefferson W. Park be changed from the passage of this act to that of Jefferson W. Stringfellow, and made the legal heir at law of Reuben Stringfellow: *Provided,* That the provision of this law shall not go into effect without the assent of Reuben Stringfellow.

APPROVED, 22 December, 1849.

[No. 340.]

AN ACT

To change the name of Martha A. Bates.

Changed.
May inherit
property.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the name of Martha A. Bates, foster child of David Weaver of Dallas county, be and the same is hereby changed to that of Martha A. Weaver; by the last name she shall hereafter be known; and she is hereby made capable of inheriting from said David Weaver, as though she were his child.

APPROVED, 22 December, 1849.

[No. 341.]

AN ACT

To change the name of the persons therein named.

Changed.
Collin to Hunt.
Drew to Holloway.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the name of Mary Jane Collin, of the county of Mobile, be and the same is hereby changed to that of Mary Jane Hunt; and the name of Catharine L. Drew shall be changed to Catharine L. Holloway.

Smith to Bank-
smith.

SEC. 2. *And be it further enacted,* That the name of Ellison B. Smith, of the city of Mobile, merchant, is hereby changed to the name of Ellison Banksmith; by which name he shall be hereafter known and designated; and all contracts and obligations, and all acts by him done and to be done by the said name of Ellison Banksmith, shall be valid and effectual, as if done by him in the name of Ellison B. Smith.

SEC. 3. *And be it further enacted,* That the name of ^{Wood to War-} Charles Thomas Wood, of Jackson county, be changed to ^{ren.} that of Charles Thomas Warren.

APPROVED, 13 February, 1850.

[No. 342.] AN ACT

To change the name of Martha R. Singleton to Martha R. Cook.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the name of Martha R. Singleton be and ^{Changed.} is hereby changed to that of Martha R. Cook, and made the adopted daughter of William C. Cook, of Russell county.

APPROVED, 5 February, 1850.

[No. 343.] AN ACT

To change the name of Catharine L. Drew.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the name of Catharine L. Drew, of the county of ^{Changed.} Dallas, be and the same is hereby changed to that of Catharine L. Holloway.

APPROVED, 12 February, 1850.

[No. 344.] AN ACT

For the relief of the heirs of Abram Marshall, deceased.

Whereas Abram Marshall, late resident in Russell county, has departed this life, leaving the larger portion of his estate in the county of Macon; and whereas the said deceased ^{Preamble.} shortly before his death made a contract with one John D. Stewart, of Russell county, for the purchase of a large tract of land and mules, and for the hire of slaves, which cannot be executed without detriment to the estate of said deceased; and whereas the said Stewart is willing to rescind the said contract; therefore

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall and may be lawful for the judge of

Contract may
be rescinded by
administrator.

the orphans' court of Macon county to grant administration on the estate of the said Abram Marshall, deceased; and that it shall also be lawful for the representative of said deceased to rescind the said contract with the said John D. Stewart, if in the opinion of the judge of the orphans' court of Macon county it will be for the benefit of said estate for the same to be rescinded.

APPROVED, 5 January, 1850.

[No. 345.]

AN ACT

To authorise Drury Stovall, of Morgan county, to invest certain moneys of his ward, Sarah Ann Orr, &c.

May invest money of ward in negro property.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Drury Stovall, of Morgan county, guardian of Sarah Ann Orr, a minor heir of Jacob Orr, deceased, be and he is hereby authorised to invest certain moneys of his said ward in negro property for the use and benefit of said ward: *Provided,* The amount of money so invested shall not exceed the sum of thirteen hundred dollars.

Shall make return of property

SEC. 2. *And be it further enacted,* That said Drury Stovall, so soon as he shall purchase the said negro property for his said ward, be and he is hereby required to return a full and complete inventory of the kind and value of said property to the orphans' court of said county of Morgan.

APPROVED, 6 December, 1849.

[No. 346.]

AN ACT

To authorise Jas. L. Sheffield, administrator, to sell lands, and for other purposes.

May sell lands of decedent.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That James L. Sheffield, administrator, with the will annexed, of Joshua Johnson, deceased, late of Marshall county, be and he is hereby authorised to sell under the direction of the orphans' court of said county, a sufficient quantity of the lands belonging to said estate to satisfy the debts against said estate.

SEC. 2. *Be it further enacted,* That James L. Sheffield, administrator as aforesaid, and who is also guardian of Bartley C. Johnson and John N. Johnson, minors and only

heirs of said Joshua Johnson, deceased, be and he is hereby fully authorised to deliver and convey to the said Bartley C. Johnson his equal dividend of his father's estate; and that so soon as the said John N. Johnson arrives at the age of eighteen years, the said Sheffield shall be authorised to deliver and convey to him his equal dividend of said estate according to the provisions contained in the will of the said Joshua Johnson, deceased. May make distribution of estate.

SEC. 3. *And be it further enacted*, That in the settlements made by the aforesaid J. L. Sheffield, guardian as aforesaid, with his wards, under the provisions of this act, their receipts to him shall be good and sufficient vouchers in all courts either of law or equity; any law, usage or custom to the contrary notwithstanding. Vouchers good.

APPROVED, 31 December, 1849.

[No. 347.]

AN ACT

For the relief of the executors of Dr. Samuel C. Oliver, of Montgomery county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the executors of Dr. Samuel C. Oliver be and they are hereby authorised to account with the orphans' court of Montgomery county, as the will of said deceased directs; and they shall not be required to make annual returns as required by the general law. Authority confirmed to the executors.

APPROVED, 5 February, 1850.

[No. 348.]

AN ACT

To authorise Wm. L. McDow and John M. Soule to sell certain lands of their wards.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That William L. McDow and John M. Soule, guardians of James P. M. Hutchins, Jesse H. Hutchins jr. and Harrison J. T. Hutchins, be and they are authorised to sell and convey the following described lands, in the county of Sumter, belonging to their said wards, that is to say: The north-west quarter of section thirty-six, township twenty-one, range three, west, belonging to the said Harrison J. T. Hutchins; the north-east quarter of May sell lands.

Shall give b'nd

Application of
proceeds.

section thirty-five, in township and range aforesaid, belonging to the said Jesse H. Hutchins, jr., and the west half of the south-east quarter of section twenty-five, and the south half of the north-west quarter of section thirty-five, in the township and range aforesaid, to the said James P. M. Hutchins, all lying and being in the Tuscaloosa land district, either at private or public sale; and the proceeds to place at interest for the benefit of said wards: *Provided*, That the said McDow and Soule shall, before proceeding to sell, execute and deposit in the office of the clerk of the county court of said county a bond to be approved by the judge of said county court, in such penalty as he shall require, conditioned that they shall make such sale or sales, and the proceeds place at interest faithfully and fairly, as will be for the best interest of said wards, and will faithfully account for the proceeds of sale and the interest accruing thereon; which bond shall be payable to the judge of said county court and his successors in office, and to such officer as shall at any time lawfully have and do the duties of the orphans' court in said county; and shall ensure to and be for the benefits of said wards severally, and may be sued in the name of such judge and his successors, or the officers to whom the duties of the orphans' court at any time belongs, for the use of said wards, or either of them.

APPROVED, 5 February, 1850.

[No. 349.]

AN ACT

For the relief of the heirs of T. R. H. Wiggins.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,*

M. W. Creagh,
admin'r, may sell
real estate.

That M. W. Creagh, administrator of the estate of T. R. H. Wiggins, deceased, be and he is hereby authorised and empowered to sell at public sale the real estate belonging to the heirs of the said T. R. H. Wiggins, deceased, lying and being in the county of Marengo, and state of Alabama, consisting of about three hundred and sixty acres, lying near the town of New Ruin, in said county, on a credit of one, two and three years, upon his first giving at least twenty days' notice of the time, place and terms of such sale; and the said M. W. Creagh, upon the whole of the purchase money for such real estate being fully paid off, may and shall make to the purchaser a proper conveyance for the said real estate, which shall vest in the purchaser all the right and title of the said heirs in or to the same.

SEC. 2. *And be it further enacted*, That within sixty days after such sale, the said M. W. Creagh, administrator as aforesaid, shall report to the orphans' court of Marengo county the amount for which said real estate was sold, to whom sold, and the securities taken for the payment of the purchase money; and he shall account for the proceeds of such sale in the same manner as if the same had been sold under an order of the said orphans' court, for more equal or convenient distribution among the said heirs. Shall make report.

APPROVED, 12 February, 1850.

[No. 350.]

AN ACT

To legalise and confirm the sale of a tract of land therein named.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That William C. Lipscomb, of Franklin county, Tennessee, administrator of Dabney D. Lipscomb, deceased, of this state, who has sold to Isaac Duncan the following tract of land, to wit: the east half of the north-west quarter of section nine, in township two, range four, east, in the district of lands subject to sale at Huntsville, containing eighty 43-100 acres in this state, be and he is hereby authorised, in pursuance of the said contract of sale, to make titles to the said Isaac Duncan for said land; any law or usage to the contrary notwithstanding: *Provided*, The rights of creditors are not prejudiced thereby. W. C. Lipscomb may make title to land sold. Proviso.

APPROVED, 12 February, 1850.

[No. 351.]

AN ACT

To authorise James J. Ligon and John C. Ligon, administrators of the estate of James Ligon, deceased, to settle and compromise the bad and doubtful debts belonging to said estate.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*. That James J. Ligon and John C. Ligon, administrators of the estate of James Ligon, deceased, be and they are hereby authorised to compromise and settle any of the bad and doubtful debts on such terms as they may deem for the best interest of said estate: *Provided*, That no settlement or compromise made under the provisions of this act shall be valid unless approved by the judge of the orphans' court of Marshall county. May compromise bad and doubtful debts. Proviso.

APPROVED, 12 February, 1850.

[No. 352.]

AN ACT

To authorise Benjamin Ivey to sell certain real estate therein described.

May sell land.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Benjamin Ivey, administrator of the estate of Robert C. Bishop, deceased, of Perry county, Alabama, be and he is hereby authorised to sell and convey at private sale, on a credit of one, two and three years, all the land lying and being in the county and state above mentioned, amounting in all to four hundred and forty acres, belonging to the said Bishop in his lifetime, for the purpose of making an equitable division amongst the heirs of said estate.

Shall make report.

SEC. 2. *And be it further enacted,* That the said Ivey shall return an account of sale of said lands to the orphans' court of Perry county, and account with the said court in the same manner and to the same extent as if said sale had been ordered by the said orphans' court.

APPROVED, 5 February, 1850.

[No. 353.]

AN ACT

For the relief of John R. Hartley, administrator of Thomas McDaniel.

Power of judge of orphans' court.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the judge of the orphans' court of Covington county is hereby authorised and required on the application of John R. Hartley, administrator *de bonis non* of the estate of Thomas McDaniel, deceased, to make an order transferring the administration of said estate to the orphans' court of Butler county.

Duty of clerk of orphans' court.

SEC. 2. *Be it further enacted,* That the clerk of the orphans' court of Covington county, after the order contemplated in the first section of this act is made, shall make out a complete transcript of all the proceedings had and done in reference to the administration of said estate, and transmit the same, together with all the original papers in any manner connected with said administration of said estate, to the clerk of the orphans' court of Butler.

Jurisdiction transferred to Butler county.

SEC. 3. *And be it further enacted,* That the judge of the orphans' court of Butler is hereby required to take jurisdiction of the administration of said estate after such order is made by the judge of the orphans' court of Covington, and proceed to settle the same; and in all other things to act

as though administration had been originally granted in Butler county : *Provided*, This act shall not go into effect or the administration of said estate be transferred as aforesaid, without the assent, under their hands and seals, of the sureties upon the administration bond being first filed and made of record in said estate.

APPROVED, 8 February, 1850.

[No. 354.]

AN ACT

To authorise the orphans' court of Jefferson county to decree the sale of certain lands therein mentioned.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the orphans' court of Jefferson may make a decree authorising Octavius Spencer, jr., guardian of the infant heirs of William Spencer, deceased, to sell the real estate of said heirs, situate in the county of Jefferson, upon the said guardian filing a petition in said court, setting forth that the said real estate cannot be fairly, equally and beneficially divided among the said heirs without a sale, and that the interest of said heirs would be greatly advanced by a sale; and making sufficient proof of the truth of the allegations of said petition by at least two creditable witnesses, not in any way related to the guardian : *Provided*, The said heirs shall have twenty days' notice of said application for a sale, and shall have a guardian *ad litem*, appointed for them, whose duty it shall be to deny the allegations of said petition : *And provided further*, That the proof shall be taken by deposition, and filed in the cause.

Real estate may be sold upon petition.

Proviso.

Proviso:

SEC. 2. *And be it further enacted*, That it shall be the duty of the court upon rendering a decree of sale, to specify in the decree the manner and terms upon which said estate shall be sold; and a sale by the guardian in any other manner or on any other terms, shall be null and void.

APPROVED, 12 February, 1850.

[No. 355.]

AN ACT

For the relief of the heirs of Isham Sheffield, deceased, of Wilcox county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Susanah Magee, wife of James Magee, formerly Su-

May execute ti-
le deeds to land

sanah Sheffield, Milley (alias) Emelia Morgan, wife of Joseph Morgan, formerly Emelia Sheffield, Sarah Kelly, wife of A. B. Kelly, formerly Sarah Sheffield, and Roxanah Wright, wife of Matthew Wright, formerly Roxanah Sheffield, all of Wilcox county, and being children and devisees of Isham Sheffield, late of said county, deceased, be and they are hereby authorised and empowered to make and execute a deed or deeds in fee simple to any land or lands, jointly with their husbands, which may have descended to them as the children and devisees of said Isham Sheffield, deceased, situate, lying and being in Wilcox county, to any person or persons as fully and as effectually as if they were *femes sole*; *Provided*, The same be done on a private examination separate and apart from their said husbands, and they acknowledging that they freely and voluntarily and without any fear, threats or compulsion of their husbands, signed, sealed and delivered the same: *And provided further*, The same be for a *bona fide* consideration, any law to the contrary notwithstanding.

APPROVED, 13 February, 1850.

[No. 356.]

AN ACT

For the benefit of the estate of James P. Posten, late of the county of Jackson.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the judge of the orphans' court of Jackson county shall be and is hereby authorised and required to order a sale of the notes, accounts, judgments, and all other evidences of debts due to or in favor of the estate of Jas. P. Posten, deceased, late of the county of Jackson, and for that purpose may issue an order to the administrator *de bonis non* of said estate: *Provided*, The judge of the aforesaid court shall believe it right and proper to make such sale.

Court may or-
der sale of notes
&c. of deceased

SEC. 2. *And be it further enacted*, That in the event of any sale pursuant to the provisions of this act, the purchaser of any claim due as aforesaid shall be authorised to collect the same by law in his or her own name in any court having jurisdiction; and the administrator shall account for the proceeds of any such sale according to law.

Administrator
shall return an
account of rates

APPROVED, 13 February, 1850.

[No. 357.]

AN ACT

To provide for the sale of the insolvent and doubtful claims belonging to the estate of Clark T. Barton, deceased.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the judge of the county court of the county of Franklin be and he is hereby empowered to authorise the executors of the last will and testament of Clark T. Barton, deceased, to sell at public auction such claims, notes, accounts and other evidences of debt belonging to said decedent's estate, as he shall by proof be satisfied will promote the interest of said estate and not interfere with the rights of the creditors of the same. Claims of dec'd may be sold.

SEC. 2. *And be it further enacted,* That whenever said executors shall make the sale which may be authorised under the provisions of this act, they shall return an account thereof to said judge, in the same manner and under the same restrictions as are now prescribed by law for the return of other accounts of sales. Executors shall return an account of sales.

APPROVED, 5 February, 1850.

[No. 358.]

AN ACT

To authorise the orphans' court of Madison county to order the sale or distribution of certain slaves.

Whereas Edward Collier, late of Abbeville district, South Carolina, did by his last will bequeath certain slaves to Mrs. Beatrix Herring, late of Morgan county, Alabama, for the term of her life, and after her death to the surviving children of James Collier, deceased, late of Madison county, in the last named state, and to the descendants of the deceased children of said James: and whereas, the said Beatrix hath recently died— Preamble.

SEC. 1. *Be it therefore enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be lawful for Charles E. Collier, one of the surviving children of said James Collier, and the other survivors and the descendants of the deceased children who are of age, and the guardians of such as are minors, to file an authenticated copy of the will of said Edward Collier in the orphans' court of Madison; and the judge of said court is hereby authorised to order said slaves to be sold and the proceeds distributed as in ordinary cases where the court has jurisdiction over the estates of deceased persons, or if the judge shall deem Court may order sale of slaves

Bond shall be given. it most beneficial, he may direct the slaves to be distributed among the persons entitled: *Provided*, That before proceeding in the matter the judge shall require the said Charles E. Collier to enter into bond with sufficient sureties in double the value of the slaves, conditioned to account for them or so much of their proceeds as may come to his hands, should they be sold; and upon the execution of such bond the said Charles E. Collier is authorised and required to take said slaves into his possession.

Allowance shall be made to C. E. Collier. SEC. 2. *And be it further enacted*, That the said orphans' court is hereby authorised to allow to said Charles E. Collier whatever sum he may have paid to relieve said slaves from the demands of the creditors of the testator previous to ordering the distribution of the same or their proceeds, should they be sold.

APPROVED, 11 February, 1850.

[No. 359.]

AN ACT

To authorise James Welch to sell the real estate of his ward, Martha D. Welch.

May sell real estate of ward. SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That James Welch, of Talladega county, guardian of Martha D. Welch, be and he is hereby authorised and empowered to sell the real estate belonging to the said Martha D. Welch, at public or private sale, on a credit of one and two years, with interest from the time of the sale; taking the notes of the purchaser, with good security, and giving bond for title, when the purchase money is paid; and when the purchase money is paid, he is hereby empowered to make title to said land to the purchaser, and he be, before receiving the purchase money, required to give additional bond, to the satisfaction of the judge of the county court, and to settle as in other cases of guardians.

Shall give additional bond.

APPROVED, 11 February, 1850.

[No. 360.]

AN ACT

To authorise James Wise, of Morgan county, to invest certain moneys of his ward, Martha E. Johnson, in negro property.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act

James Wise, of Morgan county, guardian of Martha E. Johnson, a minor heir of Daniel Johnson, deceased, be May invest moneys of ward in negro property. and he is hereby authorised to invest certain moneys of his said ward in negro property, for the use and benefit of said ward; the right and title of which said negro property, when purchased, shall be vested in said ward: *Provided*, Proviso. That the said negro property so purchased shall be sound both in body and mind: *And provided further*, That the amount of property so to be purchased shall not exceed in Proviso. value the sum of five thousand dollars.

SEC. 2. *Be it further enacted*, That so soon as the said Jas. Wise shall have purchased the said property, as provided for in the first section of this act, it shall be and is hereby made his duty to return a full and complete inventory of the same, embracing therein the age, sex and value of said property, to the orphans' court of said county of Morgan. Shall make report of proceedings to county court.

APPROVED, 9 February, 1850.

[No. 361.]

AN ACT

For the benefit of the heirs of Joseph Billups.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Mary Ann Billups, John Cunningham and Cornelius Cunningham, executrix and executors of the last will of Joseph Billups, late of Coosa county, deceased, be and are hereby authorised to remove the slaves and other property belonging to the estate of said Joseph Billups from this state: *Provided*, All legal claims, demands or debts which existed against the said Joseph Billups at the time of his death shall be paid or arranged to the satisfaction of the creditors before the removal of any of the property belonging to said estate. Prop'ty may be removed.

SEC. 2. *Be it further enacted*, That the said executrix and executors be and are hereby authorised, at their discretion, to sell or otherwise dispose of the real estate of the said Joseph Billups which is in the State of Alabama, and to execute good and sufficient security therefor by deed of conveyance, and such deed or deeds shall secure to the purchaser such estate and interest in the land sold and conveyed as was vested in said Joseph Billups. May sell land.

SEC. 3. *Be it further enacted*, That before the removal of said property the executrix and executors shall make a final settlement of said estate with the orphans' court of Coosa county, where letters testamentary have been granted, and Shall make final settlement.

shall produce to the judge of said court a duly certified record from the proper court in the state to which said property is to be removed, showing that bond and security has been given in said state by the executrix and executors, or either of them, in a sum equal to double the value of said estate, for the faithful performance of their trust as executrix or executors and in accordance with the laws of such state.

APPROVED, 2 February, 1850.

[No. 362.]

AN ACT

To authorise the orphans' court of Perry county to take and exercise jurisdiction over the estate of Felix N. Tarrant, deceased.

Adm'rs of estate
may be trans-
ferred.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the jurisdiction over the estate of Felix N. Tarrant, deceased, be and the same is hereby transferred from the orphans' court of Dallas county to the orphans' court of Perry county; and the orphans' court of Perry county is hereby authorised and empowered to take and exercise jurisdiction over the said estate and the administrators thereof, in the same manner and to the same extent in all respects as if letters of administration had been regularly granted in the first instance by the last named court.

Duty of clerks
of county courts

SEC. 2. *And be it further enacted,* That the clerk of the orphans' court of Dallas county is hereby required to carefully forward to the clerk of the said orphans' court of Perry county, all the original papers belonging to or connected in any way with said estate or the administration thereof, together with a complete certified transcript of the proceedings of the orphans' court of Dallas county in and about the same; and the administrators shall pay him all such fees as may be due for his services.

APPROVED, 31 January, 1850.

[No. 363.]

AN ACT

For the relief of the children of Joseph A. Johnson and Lucy Johnson.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That George Johnson and James Johnson, children of Joseph A. Johnson and his wife Lucy Johnson,

who was the daughter of Jas. Moore, and his wife, who was a Creek Indian, be and they are hereby declared citizens under the law, capable of exercising all the rights, immunities and privileges as citizens of the State of Alabama as fully as they would if they were not of Indian descent. Declared citizens.

SEC. 2. *And be it further enacted*, That all laws contravening the provisions of this act be and they are hereby repealed. Repeals.

APPROVED, 2 February, 1850.

[No. 364.]

AN ACT

To authorise James W. Hill, of the county of Madison, to remove certain property.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That James W. Hill, of the county of Madison, be and he is hereby authorised to remove when he does so with his family, the negro slave belonging to his daughter and ward, Mary Hill, to the State of Arkansas: *Provided*, He make full settlement with the judge of the county court of Madison county of his account as guardian. Prop'ty may be removed.
Proviso.

SEC. 2. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act be repealed. Repeals.

APPROVED, 7 January, 1850.

[No. 365.]

AN ACT

To authorise Humphrey B. Rodgers to sell a certain slave therein named.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Humphrey B. Rodgers, guardian of Adams Burns, be and he is hereby authorised to sell at public or private sale, or otherwise dispose of, a certain negro man slave, named Champion, the property of his said ward, and invest the proceeds of said negro in other slave property for the use and benefit of the said Adam Burns. May sell negro and invest money.

SEC. 2. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act be and the same are hereby repealed.

APPROVED, 7 January, 1850.

[No. 366.]

AN ACT

To authorise Benjamin L. Goodman, guardian of Robert Ligon, to sell a certain slave therein named.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,
May sell slave. That Benjamin L. Goodman, guardian of Robert Ligon, be and he is hereby authorised to sell a certain negro girl, Tilda, the property of said Robert Ligon; and that he be authorised to invest the proceeds of such sale as in his judgment will best promote the interest of said ward.

APPROVED, 5 January, 1850.

[No. 367.]

AN ACT

For the relief of the widow of Churchwell Carter.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,
Right of state to property relinquished. That all the right, title or interest of the State of Alabama in or to any part of the property of Churchwell Carter, late of the county of Montgomery, by or through any law of escheats, be and the same is hereby vested in Christiana, widow of the said Churchwell Carter.

APPROVED, 7 January, 1850.

[No. 368.]

AN ACT

To authorise Ezekiel Anderson,* jun'r, to sell certain slaves therein named.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,
May sell slaves. That Ezekiel Andrews, jr., guardian of Lewis Hudson, be and he is hereby authorised to sell at public or private sale, or otherwise dispose of a certain negro man slave named Wyatte, and one named Nelson, the property of the said Lewis Hudson; to invest the proceeds of said slaves in
Loan money. other slaves, or loan the same at interest for the use and benefit of his said ward.

SEC. 2. And be it further enacted, That all laws and parts of laws contravening the provisions of this act be and the same are hereby repealed.
Repeals.

APPROVED, 7 January, 1850.

*In the engrossed bill the name is Andrews.

[No. 369.]

AN ACT

Authorising Green B. Chaney, of Sumter county, to invest the moneys of his son, Baily E.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Green B. Chaney, be and he is hereby authorised to invest the money of his infant son, Baily E. Chaney, that May invest money of ward. has accrued or may accrue during the minority of said Baily E., in lands, slaves and other property proper for planting; and that with the present estate of said Baily E., together with such as said Green B. may so purchase, he, the said Green B. Chaney, be and he is hereby authorised to carry on the business of planting for his said son.

SEC. 2. *And be it further enacted,* That nothing contained in this act shall be so construed as to prevent the orphans' court of Sumter county from requiring said Green B. Chaney to make annual settlement as in other cases of guardianship; nor from requiring a bond from said Green B. for the performance of his trust, as by law is now provided in similar cases. Shall make annual settlement

APPROVED, 14 December, 1849.

[No. 370.]

AN ACT

To refund certain taxes overcharged.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners of revenue for the county of Mobile are hereby authorised to refund and allow, under Powers and duties of com'rs of revenue for Mobile county. such rules as they may prescribe, out of any present or future assessment of county or state taxes, any excess of taxation which may have been assessed to and collected from certain commission merchants and agents in said county, under an act "to provide for the assessment and collection of taxes," passed March 6th, 1848, by reason of the said act overlapping the time for which said agents and merchants were liable under previously existing laws: Provido. *Provided, however,* That nothing shall be allowed, or refunded under this act after the first day of April next.

APPROVED, 12 February, 1850.

[No. 371.]

AN ACT

For the relief of Moses Scott, and for other purposes:

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,*
 That Asa W. Allen, treasurer of the building commissioners of the town of Centre, the county site of Cherokee county, elected under and by virtue of an act amendatory of an act to locate permanently the county site of Cherokee county, be and he is hereby authorised and required to pay out of the funds in his hands as such treasurer, the balance due to Moses Scott under his contract with the building commissioners of said town of Centre, made under and by virtue of an act approved the twenty-second day of February, 1848, for building the jail of said county: *Provided,* The commissioners' court of said county shall be satisfied there is any balance due to said Moses Scott, and certify the same to the treasurer of said building commissioners; any law to the contrary notwithstanding.

A certain sum shall be paid him by the co. treas. of Cherokee county.

Proviso.

APPROVED, 14 January, 1850.

[No. 372.]

AN ACT

For the relief of Ambrose A. Philips:

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,*
 That Ambrose A. Philips; of the county of Macon, guardian for Thomas J. Grimmett, William J. Grimmett and Henry H. Grimmett, minor heirs of Seaborn B. Grimmett, deceased, be and he is hereby authorised to hire privately the negroes belonging to said minor heirs, whenever in his judgment the interest of said heirs require it.

Guardian may hire slaves of his ward privately.

APPROVED, 5 February, 1850.

[No. 373.]

AN ACT

For the relief of John M. Krimmey,* of Coffee county:

Whereas John M. Krimmey, sheriff of Coffee county, did by special messenger send the returns of the vote in said county upon joint resolutions proposing amendments to the constitution, in time to reach the secretary of state within the time prescribed by law; and whereas, through the negligence of said messenger, the returns aforesaid did not reach

Preamble.

the secretary of state's office within the time specified ;
therefore

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,*
That the aforesaid John M. Krimmey* be and he is hereby Relieved from
relieved from the pains and penalties imposed by the third penalty.
section of the proposed amendments, for failing to make
said returns ; any law to the contrary notwithstanding.

APPROVED, 5 February, 1850.

*In the engrossed bill the name is Kimmey.

[No. 374.] AN ACT

For the relief of Holden Preslar.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,*
That Holden Preslar, of Butler county, who was convicted of Legal disability
the crime of larceny at the spring term, 1846, of the circuit removed.
court of Butler county, be and he is hereby released from all
the disabilities imposed by said conviction ; and that the said
Holden Preslar be and he is hereby restored to all the rights
and privileges of a citizen of the state of Alabama, as
though no such conviction was had.

APPROVED, 5 February 1850.

[No. 375.] AN ACT

For the relief of T. H. Perry.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,*
That whenever it may be necessary for Thaddeus H. Perry, Relieved from
of Pickens county, to take the oaths prescribed by law duelling oath
against duelling, the same shall be administered in reference prior to 1 Janu-
ary, 1848.
to time, to the first day of January, 1848.

SEC. 2. *And be it further enacted,* That the said Perry is Relieved from
hereby relieved from all penalties and disabilities prescribed penalties for du-
by law against persons who may have carried a challenge-
to fight in single combat.

APPROVED, 5 February, 1850.

[No. 376.]

AN ACT

For the relief of A. Sawyer, et. al., securities of Wm. B. Campbell, late tax collector of Randolph county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,*

That the comptroller of public accounts of the State of Alabama be and he is hereby authorised to remit all damages obtained and due upon a judgment obtained against the said Archibald Sawyers, James Saxon, Jeremiah Murphy and Jephtha V. Smith, the securities as aforesaid, by the comptroller as aforesaid; *Provided*, That nothing herein contained shall authorise the comptroller to remit any part of the principal, interest or cost due upon said judgment obtained as aforesaid.

Certain damages on judgment obtained may be remitted.

Proviso.

SEC. 2. *Be it further enacted*, That the comptroller of public accounts shall not make any remission of damages until the principal, interest and cost is all paid.

When to be remitted.

SEC. 3. *And be it further enacted*, That all or any of the securities as aforesaid be and they are hereby allowed twelve months from the passage of this act to redeem any or all of the lands sold under and, by virtue of said judgments, upon the terms now prescribed by law for the redemption of real estate; and that the comptroller of public accounts be and he is hereby authorised to reconvey any or all of the said real estate to any or all of said securities, upon their payment to him of the amount the same may have brought when sold, together with such damages and costs as are provided for by law for the redemption of real estate.

Privileges secured to securities to redeem lands sold.

APPROVED, 4 February, 1850.

[No. 377.]

AN ACT

For the relief of Nancy Wilson, of Pickens county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.*

That it shall be lawful for the commissioners' court of Pickens county, if they deem it advisable so to do, to pay to Thomas H. Weir, or any other proper person of said county, for the use of Nancy Wilson, a lunatic of said county, such amount as they deem proper, yearly, during the continuance of her lunacy or pauperism, without requiring the said Nancy to be kept in the poor house of said county; *Provided*, The said Weir, or other person so

May be supported at expense of county without residing at the poor house.

Proviso.

selected, give bond and security, to be approved by the judge of the county court, for the faithful execution of the trust hereby confided to him.

APPROVED, 29 January, 1850.

[No. 378.]

AN ACT

For the relief of William Taylor, of Jefferson county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Wm. Taylor, of the county of Jefferson, be and he is hereby authorised to practice medicine and surgery in this state, without first obtaining a license for that purpose as now required by law; and that he is hereby made able and capable in law to sue for and recover compensation for any professional services that may be rendered by him. May practice medicine and surgery.

SEC. 2. *And be it further enacted,* That the said William Taylor may practice the profession of medicine and surgery, without being liable to the penalties of the law in such cases made and provided: *Provided,* That the said Wm. Taylor shall confine himself in his practice to the counties of Jefferson, Walker, Blount and St. Clair. Not liable to any penalty for practising.
Restricted in practice to certain limits.

SEC. 3. *Be it further enacted,* That the provisions of this bill shall be extended to Andrew J. Kerby, of the county of Jackson, who shall be authorised to practice medicine in the county of Jackson, and collect by law reasonable charges for his services as such. Extended to A. J. Kerby of Jackson co.

APPROVED, 20 December, 1849.

[No. 379.]

AN ACT

For the relief of Creed T. Oliver.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Creed T. Oliver, of the State of Alabama and county of Lowndes, be and he is hereby authorised and permitted to marry again; Margaret S. Oliver, the former wife of the said Creed T. Oliver, having been divorced from him and being yet alive. Authorised to marry again.

APPROVED, 12 December, 1849.

[No. 380.]

AN ACT

For the relief of John Mill and John A. Wicker.

Declared citi-
zens of Coffee
co.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act John Mill and John A. Wicker, liners between the counties of Coffee and Covington, be and they are hereby rendered citizens of the county of Coffee, entitled to all the rights, privileges, immunities and disabilities of any other citizen of the said county.

APPROVED, 14 January, 1850.

[No. 381.]

AN ACT

For the relief of Samuel V. Jordan and William Javrell.

Released from
duelling oath
prior to 1st Jan-
uary, 1849.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter in all cases when it may be necessary for Samuel V. Jordan and William Javrell, of the county of Macon, or either of them, to take and subscribe the oaths prescribed by law against duelling, the same shall be administered in reference to time from the first day of January, 1849.

Released from
certain pains
and penalties.

SEC. 2. *And be it further enacted,* That the said Samuel V. Jordan and William Javrell shall not in any manner be liable to the pains and penalties prescribed in sections eleven and twelve, chapter three of the penal code, for or on account of any act or thing which may have been done by either of them prior to the first day of January, one thousand eight hundred and forty-nine.

APPROVED, 12 December, 1849.

[No. 382.]

AN ACT

For the relief of Murdough McLoud.

Declared a citi-
zen of Coving-
ton county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act Murdough McLoud, a liner between the counties of Coffee and Covington, be and he is hereby declared a citizen of the county of Covington, entitled to all the rights, privileges, immunities and disabilities of any other citizen of the said county.

APPROVED, 12 December, 1849.

[No. 383.]

AN ACT

To repeal an act for the relief of Jacob Merrill.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the act for the relief of Jacob Merrill, of Covington county, approved on the fifteenth day of January, 1848, be and the same is hereby repealed.

APPROVED, 7 January, 1850.

[No. 384.]

AN ACT

Constituting Michael W. Murphy a citizen of Russell county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter Michael W. Murphy shall for all purposes whatsoever be held and considered a citizen of Russell county; he shall vote and be entitled to every privilege of whatsoever sort to which citizens of said county are entitled in as full a manner as if he actually resided therein.

SEC. 2. *Be it further enacted,* That the said Michael W. Murphy shall moreover be compelled to pay taxes in said county, and shall serve as a juror, work on roads, and perform all other public duties in the said county of Russell, and shall be exempt from the performance of the same in the county of Chambers.

SEC. 3. *And be it further enacted,* That the said Michael W. Murphy shall hereafter be sued in the county of Russell; and any process served on the said Murphy by an officer of the county of Russell shall be considered good and legal service; and any judgment or decree hereafter rendered against the said Murphy in any of the courts of said county shall be valid and binding to all intents and purposes.

APPROVED, 7 January, 1850.

[No. 385.]

AN ACT

For the benefit of Oliver C. Roberts, of Fayette county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Oliver C. Roberts, of Fayette county, shall from and after the passage of this act be as fully authorized to marry.

ised to marry as though he had never been married heretofore ; any law to the contrary notwithstanding.

APPROVED, 30 January, 1850.

[No. 386.]

AN ACT

For the relief of Louisa Parish.

Name changed
to Dunn.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the name of Louisa Parish, an infant and adopted daughter of Dr. Elijah A. Dunn and wife, of Eufaula, be changed to that of Louisa Dunn, by which last name she shall hereafter be known ; and she may inherit from said Dr. Dunn and wife, as though she were their child.

APPROVED, 30 January, 1850.

[No. 387.]

AN ACT

For the relief of the securities of John Douglass, late clerk of the circuit court of Marion county.

\$500 to be re-
funded to secu-
rities by county
treasurer of Ma-
rion county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the treasurer of Marion county be and he is hereby directed to pay Allen Haley, John M. Frederick, John T. Sanders and Wm. Warren, the securities of John Douglass, late clerk of the circuit court of Marion county, the sum of five hundred dollars, that being the amount of a fine which they have paid for said Douglass in consequence of said Douglass having failed to comply with the requisitions of the second section of the act of 1834.

Out of what
fund paid.

When to be paid

SEC. 2. *Be it further enacted,* That the sum aforesaid shall be paid by said treasurer out of the funds of said county arising from fines and forfeitures, out of any moneys of said fund now in the treasury, or which may hereafter from time to time come to the hands of said treasurer in the settlement of his accounts: *Provided,* That they shall not be entitled to recover any of said sum until they first make it appear to said treasurer that they have paid off and settled the fine and all cost and damages in relation to said fine, and that he, the said Douglass, has accounted for and paid to the state and county all public moneys for which he as such clerk was liable.

APPROVED, 2 February, 1850.

[No. 388.] AN ACT

To amend an act passed the 25th January, 1845, for the relief of Elizabeth Waldrum, of Wilcox county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of an act entitled an act for the relief of Elizabeth Waldrum, of Wilcox county, approved 25th January, 1845, as prevents the said Elizabeth from selling or disposing of any real or personal estate which she may have acquired by purchase, be and the same is hereby repealed; and that she be authorised, together with her husband, John Waldrum, to sell and convey any real estate which she may have purchased since the passage of said act, or which she may hereafter purchase; and any conveyance which she may make jointly with her said husband shall be a good and valid title: *Provided,* It is made in conformity with the general laws in relation to conveyances.

Part of former act repealed.

May sell and convey real estate.

APPROVED, 2 February, 1850.

[No. 389.] AN ACT

For the relief of William O. McKey, of Walker county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That William O. McKey, of the county of Walker, be restored to all the rights and privileges of other citizens of the State of Alabama.

Legal disability removed.

APPROVED, 29 January, 1850.

[No. 390.] AN ACT

For the relief of James Martin, tax collector of Dale county, and for other purposes.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That James Martin, tax collector of Dale county, for the years 1848 and 1849, be allowed until the 15th of February, eighteen hundred and fifty, to make his returns and settlement with the comptroller of public accounts, for the tax due the state from Dale county for the years aforesaid: *Provided,* That the securities of said tax collector

Time given to make return and settlement.

Proviso.

file their written assent to said extension of time with the comptroller of the State of Alabama, by the fifteenth day of January, A. D. eighteen hundred and fifty.

In case of suit,
evidence.

SEC. 2. *And be it further enacted*, That in case suit shall be instituted upon said bond a copy of the written assent of said securities, certified by the state comptroller, shall be *prima facie* evidence upon the trial of such assent having been given by the securities of said tax collector.

APPROVED, 7 January, 1850.

[No. 391.]

AN ACT

For the relief of Benjamin Lancaster, of Sumter county, and Benjamin P. and Samuel D. Lewis, of Pickens county.

Powers of com-
mission's' court
of Sumter coun-
ty.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the commissioners' court of roads and revenue for the county of Sumter are hereby authorised to hear the application upon petition of Benjamin Lancaster, of the county of Sumter, for the opening of a private road leading from said Lancaster's dwelling house to the nearest practicable point on the Gainesville and Livingston road.

Certain proviso
repealed.

SEC. 2. *Be it further enacted*, That in any proceeding under said petition, ordered by the court, the first proviso in the first section of the act approved January 21st, 18 2, in reference to roads, bridges and ferries, shall be and the same is hereby repealed as to said Benjamin Lancaster.

Jury granted.

SEC. 3. *Be it further enacted*, That the said commissioners' court shall grant to the said Lancaster a jury of seven householders, under the same terms, regulations and restrictions as is provided for in the 4th section of the act now in force in reference to roads, bridges and ferries.

May assess
damages.

SEC. 4. *Be it further enacted*, That the jury appointed under and by virtue of such petition, and other proceedings had thereon, are hereby authorised to assess damages for a private way of usual width from or near said Lancaster's dwelling house to the nearest practicable point on the public road leading from Livingston to Gainesville; and shall take into consideration the additional fencing necessary to be made and kept up by the party through whose land said road shall pass.

Upon verdict
road may be
opened.

SEC. 5. *And be it further enacted*, That upon the return of the verdict of such jury with the amount of damages assessed, and upon the payment by said Lancaster of said damages, he shall have a right *immediately* to open the

road as laid out by said jury, and keep the same in repair for use.

SEC. 6. *And be it further enacted*, That the commissioners' court of Pickens county be authorised to allow Benjamin P. and Samuel D. Lewis to open a private road, under the same rules and regulations, from the Mississippi state line to their ferry on the Tombigby; and that the said proviso, referred to in the second section, be also repealed as to them. Powers of commissioners' court of Pickens co.

APPROVED, 7 February, 1850.

[No. 392.]

AN ACT

For the relief of John B. Moore, James K. West, Benjamin S. Russ, John W. Jones, Jacob W. King and S. H. Hinton.

Whereas it is made to appear to the General Assembly by the petition of some four hundred intelligent citizens and otherwise that John B. Moore, who has been engaged in practicing medicine nine years or more, and is considered skillful and useful as a physician; therefore Preamble.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That said Doctor John B. Moore, of Perry county, be and he is hereby authorised to practice, charge and collect for his services and medicines, without license, such sums as may be reasonable and just; any law or usage to the contrary notwithstanding. Privileges.

SEC. 2. *And be it further enacted*, That the provisions of this act be extended to James K. West and S. H. Hinton, of Pickens county; to Benjamin S. Russ, of Jackson county, and to John W. Jones and Jacob W. King, of Talladega county. Extended to others.

APPROVED, 5 February, 1850.

[No. 393.]

AN ACT

For the relief of Thomas Hart.

Whereas Thomas Hart, of Coosa county, late of Morgan county, was sentenced to the state prison, and on the petition of a very large number of the people of Morgan county was released therefrom; and whereas, his fellow-citizens of Coosa county have with great unanimity petitioned that in view of the many virtues and sterling in- Preamble.

tegrity of the said Hart, he may be reinstated in the enjoyment of all the rights of citizenship; therefore

Legal disabilities removed.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Thomas Hart, of Coosa county, be and he is hereby restored to all the rights and privileges of citizenship.

APPROVED, 8 February, 1850.

[No. 394.]

AN ACT

For the relief of John Talbot, sen'r, John Talbot, jun'r, James Talbot, and John Ogletree.

Declared citizens of Marengo county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That John Talbot, sen'r, John Talbot, jun'r, James Talbot and John Ogletree, citizens of the county of Perry, be and they are hereby constituted citizens of the county of Marengo, entitled to all the privileges and subject to all the duties as citizens of the same.

APPROVED, 9 February, 1850.

[No. 395.]

AN ACT

For the relief of Benjamin E. Reynolds, tax collector of the county of Fayette.

Suit against him shall be dismissed.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be and he is hereby required to dismiss the action instituted in the county court of the county of Montgomery for the sum of one hundred and forty-five 72-100 dollars against Benjamin E. Reynolds, tax collector of the county of Fayette.

APPROVED, 9 February, 1850.

[No. 396.]

AN ACT

For the relief of Bradford Hambrick.

Preamble.

Whereas, at the spring term of the circuit court of Madison county, held in 1848, Bradford Hambrick was found guilty of an assault and battery on the person of Jones

Cason, and a fine of one hundred dollars assessed against him, since has been collected of him, and paid into the county treasury of said county; and whereas, the governor has seen fit to remit said fine, except ten dollars; wherefore

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the county treasurer of Madison county be and he is hereby required to refund to the said Bradford Hambrick the sum of ninety dollars out of any money in the treasury of Madison county not otherwise appropriated.

Co. treasurer of
Madison coun-
ty shall refund.

APPROVED, 9 February, 1850.

[No. 397.]

AN ACT

For the relief of Daniel Hodges, late tax collector for the county of Butler, and John Blizzard, late tax collector for the county of Lawrence.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Daniel Hodges, late tax collector for the county of Butler, have until the first Monday in April next, 1850, to make his settlement in full as tax collector with the state: *Provided,* That the sureties of said Hodges on his official bond agree, in writing, to such extension of time, which said agreement shall be filed in the office of the clerk of the county court of the county of Butler; also the comptroller of public accounts.

Time for settle-
ment extended.

Proviso.

SEC. 2. *Be it further enacted,* That all the provisions of this act be and the same are hereby extended to John Blizzard, late tax collector of the county of Lawrence.

Extended to J.
Blizzard.

APPROVED, 12 February, 1850.

[No. 398.]

AN ACT

For the relief of Francis M. Barnett, of Montgomery county, Isham Dorsey, of Russell county, John C. Blair, of Randolph county, and for other purposes.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the governor of the state be and he is hereby authorised to cause a patent to be issued to Francis M. Barnett, of the county of Montgomery, for the following described land, viz: All of the sixteenth section, township fourteen, range twenty, except the south east quarter,

Governor au-
thoris'd to cause
patent to be is-
sued.

whenever said Barnett shall make satisfactory proof before him that he has paid for said land.

SEC. 2. *And be it further enacted,* That the governor be further authorised and required to cause to be issued a patent to Isham Dorsey, of Russell county, for the west half of the south-west quarter of section sixteen, township nineteen and range twenty-nine, in Russell county, whenever he is satisfied the purchase money has been paid to any officer authorised to receive it.

Gov'r required
to cause patent
to be issued.

SEC. 3. *And be it further enacted,* That the sale by the commissioners of a part of the sixteenth section, in township twelve, range eleven, in Wilcox county, made on the 30th day of June, 1849, be and the same is hereby declared to be legal.

Sale declared
legal.

SEC. 4. *And be it further enacted,* That the governor be further authorised to cause to be issued to John C. Blair, of Randolph county, a patent to the following lands, to-wit: In number four, west half of section sixteen, in township seventeen, range twelve; and number five, the west half of the south-west quarter, of section sixteen, township seventeen, range twelve; and number six, east half of south-west quarter of section sixteen, township seventeen, range twelve, whenever he is satisfied that the purchase money has been paid to any officer authorised to receive the same.

Gov'r author-
ised to cause pa-
tent to be issued

APPROVED, 9 February, 1850.

[No. 399.]

AN ACT

For the relief of Daniel M. Riggs.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioner or trustee authorised by law to regulate the affairs of the banks and provide for the payment of the state bonds, be authorised and required to refund to Daniel M. Riggs or order, without interest, the one half of the damages recovered of and paid by him on a bill of exchange for five thousand dollars, drawn and accepted by him and endorsed by Hardin Perkins and Thos. D. King, dated the first day of June, eighteen hundred and forty-four, payable at the bank of Louisiana, New Orleans, on the first day of May thereafter, which bill was purchased by the bank of the state of Alabama.

Certain moneys
shall be refund-
ed.

APPROVED, 12 February, 1850.

[No. 400.]

AN ACT

For the relief of Griffin L. Hogan, of Montgomery county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the governor of the state be and he is hereby authorised and required to cause to be issued to Griffin L. Hogan, of Montgomery county, a patent to the south-west quarter of section sixteen, township seventeen, and range eighteen, in the county of Montgomery, on said Hogan producing evidence satisfactory that he has paid for said tract of land.

Gov. shall make title to land upon evidence that it has been paid for.

APPROVED, 12 February, 1850.

[No. 401.]

AN ACT

For the relief of certain persons therein named.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioner shall have power, (if in his opinion not inconsistent with the interest of the state,) to extend the debt of Thomas S. Mays, due to the bank of this state or its branches, in four equal annual installments with interest, the first to be due in one year from the passage of this bill: *Provided,* That no security now held by said bank, and no person now bound for said debt, shall be discharged by such extension: *And provided further,* That said debt shall be secure to the satisfaction of said commissioner.

Debt of Thos. S. Mays in bank may be extended.

Proviso.

APPROVED, 7 February, 1850.

[No. 402.]

AN ACT

For the relief of Robt. T. Ashurst, of Montgomery county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the bank commissioner, Francis S. Lyon, be and he is hereby authorised to extend the debt of Robert T. Ashurst, due the bank at Montgomery, to one, two, three and four years, with interest thereon, in equal annual instalments: *Provided,* The said commissioner be satisfied the debt so extended will be secure beyond all doubt.

Debt in bank may be extended.

APPROVED, 7 February, 1850.

[No. 403.]

AN ACT

For the relief of Reuben Emerson, tax collector of Montgomery county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,*

Allowed until
1st of April to
make settle-
ment.

Proviso.

That Reuben Emerson, tax collector of Montgomery county, be and he is hereby allowed until the first day of April next to make his settlement with the comptroller of the state: *Provided*, That the securities on the official bond of said Emerson file in the comptroller's office their written consent to this act. which said writing in any suit shall be evidence without proof of signing.

APPROVED, 11 February, 1850.

[No. 404.]

AN ACT

For the relief of William Porter, of Benton county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,*

Certain lands
may be re-con-
veyed.

Proviso.

That the citizens of township sixteen, range nine, in the county of Benton, may re-convey to William Porter any portion of the sixteenth section, in said township, that may remain unsold after full payment of the principal and interest of the original purchase money agreed to be paid therefor, together with all expense and cost of collecting the same; *Provided*, Two-thirds of the whole number of voters in said township shall approve such re-conveyance.

APPROVED, 12 February, 1850.

[No. 405.]

AN ACT

For the relief of William Armisted and Robert C. Macon.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,*

Bank commis-
sioner shall ex-
amine and set-
tle accounts be-
tween parties
and the bank.

That the commissioner appointed to settle the affairs of the state bank of Alabama, and branches of said bank, be and he is hereby authorised to examine into and settle upon principles of equity and justice, the accounts between the bank of the State of Alabama, William Armisted and Robert C. Macon, growing out of certain shipments of cotton by said bank on account of the parties named; and if upon such settlement it shall appear that any amount

ought, in the opinion of the said commissioner, to be credited to the said parties or either of them, that he be authorised to give such credit.

APPROVED, 12 December, 1849.

[No. 406.]

AN ACT

For the relief of C. J. Gully, late sheriff of Greene county, and his securities.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That upon Calvin J. Gully, late sheriff of Greene county, and his securities, Jesse Gibson, William R. Hamlett, Asa White and James Murphy, or either of them, paying to the trustee of the bank of the state of Alabama at Tuska-^{Upon payment of a certain judgment and interest, damages to be released.} loosa, formerly known as the president and directors of the Bank of the State of Alabama, the balance of principal, interest and cost due on a judgment in favor of said president and directors of the Bank of the State of Alabama, against Joshua W. Young, F. J. Swann, B. H. Ridgway and T. W. Swann, recovered in the county court of Tuskaloosa county, on the seventh day of February, one thousand eight hundred and forty-three; and also the costs taxed in a judgment recovered by the said president and directors of the Bank of the State of Alabama, against Calvin J. Gully, late sheriff of Greene county, and his securities, Jesse Gibson; William R. Hamlett, Asa White and James Murphy, for failing to pay over money collected in the judgment above stated, recovered on the thirtieth day of September, one thousand eight hundred and forty-eight, in the circuit court of Tuskaloosa county; that the trustee of the said bank, the plaintiff, is hereby authorised and required to mark and enter both of said judgments satisfied in full; and that the payment thus made shall be considered and deemed a satisfaction in full of both said judgments.

APPROVED, 5 February, 1850.

[No. 407.]

AN ACT

For the relief of William E. Shaver, J. Taylor and Joseph Bartlett, paupers of Montgomery county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners' court of roads and

Powers of com-
missioners court

revenue for the county of Montgomery are hereby author-
ised to appropriate such sum as they may think proper, an-
nually, for the support and maintenance of William E.
Shaver, Joseph Bartlett and J. Taylor, paupers of said
county, without requiring the said Shaver, Bartlett and
Taylor to be kept at the poor house of said county; any
law to the contrary notwithstanding.

APPROVED, 12 February, 1850.

[No. 408.]

AN ACT

To authorise F. S. Lyon, bank commissioner, to settle a
certain claim therein named.

May settle claim
of E. F. Come-
gys.

SEC. 1. *Be it enacted by the Senate and House of Rep-
resentatives of the State of Alabama in General Assembly
convened,* That F. S. Lyon, commissioner to settle the
affairs of the state bank and branches, be authorised to
investigate a certain claim of Edward F. Comegys against
the state bank, and to settle and dispose of the same
agreeable to justice and equity.

APPROVED, 12 February, 1850.

[No. 409.]

AN ACT

For the relief of John S. Powell.

Legal disability
removed.

SEC. 1. *Be it enacted by the Senate and House of Rep-
resentatives of the State of Alabama in General Assembly
convened,* That John S. Powell be and he is hereby relieved
from the disabilities and penalties imposed by law on all
persons against whom a divorce may be granted.

APPROVED, 7 February, 1850.

[No. 410.]

AN ACT

For the relief of William Saulter and Edward Simonds.

Made citizens
of Monroe co.

SEC. 1. *Be it enacted by the Senate and House of Rep-
resentatives of the State of Alabama in General Assembly
convened,* That William Saulter and Edward Simonds,
who live on the line dividing the counties of Monroe and

Conecuh, shall hereafter be citizens of Monroe county, and be liable to all the duties and entitled to all the rights and privileges of other citizens of Monroe county, any law to the contrary notwithstanding.

APPROVED, 4 December, 1849.

[No. 411.]

AN ACT

For the relief of Abner Crenshaw.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioner and trustee of the state bank and branches be authorised to extend the time of payment of a debt due to the branch of the bank of the State of Alabama at Montgomery from Abner Crenshaw, so as to divide the debt into four equal annual installments with interest: *Provided,* The payment of said debt be amply secured.

Debt in bank
may be extnd'd

APPROVED, 7 February, 1850.

[No. 412.]

AN ACT

For the relief of David Peebles, of Conecuh county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the amount of seventeen dollars and forty-nine cents, which David Peebles paid to the tax collector of Conecuh county over and above the amount due by him on account of state tax for the year eighteen hundred and forty-eight, be and the same is hereby refunded to the said David Peebles.

\$17.49 overpaid
for taxes, re-
funded.

SEC. 2. *And be it further enacted,* That the comptroller be and he is hereby required to issue his warrant on the state treasurer in favor of the said David Peebles for the said sum of seventeen 49-100 dollars.

Warrant shall
issue.

APPROVED, 14 January, 1850.

[No. 413.]

AN ACT

For the relief of certain persons therein named.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Stanford Mims, Joshua Gray, Garrett E. Longmire, Wm. Snowden, sr., Allen Grimes, John Mar-

Sundry persons
released from a
certain penalty.

shall, Warren Green, Isom Hicks, Green Roberts, John J. E. Abby, Warren T. Rains, Enoch Riley, Samuel Brooks, William A. McCreary, Leonard J. McCreary, Thos. Smith, jr., Emery Stringer, P. M. Griffith, Samuel McCreary, W. H. Stroud, George Kile, E. M. Woodruff, George R. Andrews, Wiley J. Jackson, Daniel Stringer, Nathan T. Deans, Garrett M. Longmire, Pleasant H. Pugh, J. B. Cotton, John McClammy, James N. Andrews, Wm. Scoggin, Peter F. Fanmer, Augustin Marshall, Pollard M. Dennis, Wm. H. Longmire, J. G. Sims, J. E. Griffin, Theophilus Cotton, Wm. H. Marshall, Joseph J. Snowden, Thomas Snowden, Wm. Pearce, Daniel Grimes, C. E. Deans, Caleb Lindsey and W. F. Serman be and they are hereby absolved and discharged from the pains and penalties imposed by law on persons for dismembering any slave; and that the above named persons shall not be liable to any pains, penalties or punishment for or on account of having dismembered or aided and assisting in dismembering a certain negro man slave named Tom, the property of Stanford Mims, in the county of Monroe, in the said State of Alabama; any law, usage or custom to the contrary notwithstanding.

APPROVED, 3 January, 1850.

No. 414.]

AN ACT

Making appropriations for the years one thousand eight hundred and fifty and fifty-one.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the following sums of money be and the same are hereby appropriated out of any money in the treasury not otherwise appropriated, to be paid to the following persons in the payment of the claims for the years one thousand eight hundred and fifty and fifty-one :

Appropriations
to

To pay members of the general assembly, the sum of twenty thousand dollars, in addition to the appropriation heretofore made at the present session :

Members of general assembly.

Governor.

To the governor of the state, the sum of twenty-five hundred dollars per annum :

Sec'y of state.

To the secretary of state, twelve hundred dollars per annum :

Comp'roller of public accounts

To the comptroller of public accounts, two thousand dollars per annum :

State treasurer.

To the state treasurer, twelve hundred dollars per annum :

To the judges of the supreme court, each, twenty-two hundred and fifty dollars per annum: Judges of supreme court.

To the chancellors, each, fifteen hundred dollars per annum: Chancellors.

To the judges of the circuit courts, each, fifteen hundred dollars per annum: Judges of circuit courts.

To the attorney general, four hundred and twenty-five dollars per annum: Attorney General.

To the solicitor of the first judicial circuit, three hundred and fifty dollars per annum: Solicitor of first circuit.

To the remaining solicitors, each, two hundred and fifty dollars per annum: Solicitors.

To the quarter-master general, two hundred dollars per annum: Quartermaster General.

To the private secretary of the governor, three hundred and fifty dollars per annum: Private secretary of governor

To the adjutant and inspector general, four dollars per day for each day he shall be engaged in the actual discharge and fulfillment of his duties, not to exceed two hundred dollars per annum: Adjutant and Inspector Gen.

For the pay of the principal secretary of the senate and principal clerk of the house of representatives, each, the sum of seven dollars per day during the session: Sec'y of Senate and Clerk of House.

For the pay of the assistant secretary of the senate and the assistant and engrossing clerks of the house of representatives, each, the sum of five dollars per day during the session: Assistant Sec'y of Senate and assistant and engrossing cl'ks of House.

For the pay of such additional clerks as may be employed by the senate or house of representatives, the sum of four dollars per day, each, for the number of days certified by the presiding officer of each house: Additional cl'ks

To the door-keepers of the senate and house of representatives, the sum of five dollars, per day, each, during the session: Doorkeepers.

To the secretary of state, for indexing the laws and copying the journals of the two houses of the present general assembly and superintending the printing of the same, the sum of three hundred dollars: Sec. of State.

To the secretary of the senate and principal clerk of the house of representatives, the sum of one hundred and fifty dollars, each, for bringing up and completing the journals of their respective houses, arranging and filing away the papers in proper order for the next session of the general assembly. Sec'y of Senate and Clerk of House.

SEC. 2. *Be it further enacted*, That the sum of ten thousand dollars be and the same is hereby appropriated to defray the contingent expenses of the state government. Defray contingent expenses.

Purchase stationery. SEC. 3. *Be it further enacted,* That the sum of twelve hundred dollars be and the same is hereby appropriated for the purchase of stationery as required by the joint resolution of January 15th, 1831; and that the comptroller of public accounts shall draw his warrant upon presentation of the original voucher and a receipt therefor in favor of the secretary of state for that purpose.

Distribution of laws and journals. SEC. 4. *Be it further enacted,* That the sum necessary for the distribution of the laws and journals of this general assembly and the laws of Congress be and the same is hereby appropriated; and the comptroller of public accounts shall draw his warrant in favor of the several agents engaged in the distribution, upon their producing the certificate of the secretary of state that the amount is according to contract, and that the services have been performed.

Com's clerks. SEC. 5. *And be it further enacted,* That the sum of fifty dollars be and the same is hereby appropriated to the payment of B. H. Spyker for services as clerk rendered to the committee on ways and means, and to the committee on banks and banking, at the present session; and that the sum of twenty-five dollars be appropriated to Thomas B. Wetmore for like services performed by him for the committee on ways and means.

APPROVED, 12 February, 1850.

[No. 415.]

AN ACT

Making appropriations to pay certain claims against the state.

Appropriations to SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the following sums of money be and the same are hereby appropriated to the payment of the following persons:

W. D. Humphrey. To W. D. Humphrey, jailor of Choctaw county, for feeding state prisoners, two hundred and ninety-three dollars:

L. Copeland. To Lewis Copeland, former jailor of Marshall county, for feeding state prisoners, fourteen dollars and eighty cents:

J. S. Clemens. To James S. Clemens, jailor of St. Clair county, for feeding state prisoners, forty-two dollars and eighty cents:

J. F. Cowan. To John F. Cowan, sheriff of Jackson county, for taking a demand from the governor of Alabama on the governor of Tennessee for Jim, a slave committed to the jail of Marion county, Tennessee, thirty-seven dollars and ten cents:

C. E. Woodard. To Charles E. Woodard, agent, for services rendered by authority of the governor in going to the State of Louisiana

for Madison James, charged with committing a felony in Clarke county, Alabama, one hundred and fifty-eight dollars thirty-seven and a half cents:

To William O. Winston, solicitor of the fifth judicial circuit, for prosecuting to conviction Stewart, a slave, the property of Sowell Newsome, of Marshall county, and prosecuting to conviction Jim, a runaway slave, twenty dollars: W. O. Winston.

To W. J. Greene, former jailor of Jackson county, for feeding state prisoners, ninety-two dollars and twenty-five cents: W. J. Greene.

To James Kelsoe, jailor of Jackson county, for feeding state prisoners, one hundred and ninety-five dollars and twenty-five cents: James Kelsoe.

To Solomon Lee, jailor of Coosa county, for feeding state prisoners, one hundred and twenty-six dollars and five cents: Solomon Lee.

To John Cabaniss, for feeding state prisoners, thirty-two dollars: John Cabaniss.

To A. G. Hallmark, former sheriff of Coosa county, for feeding state prisoners and other services rendered the state, twenty-five dollars and twenty-five cents: A. G. Hallmark

To T. T. Walls, sheriff of Coosa county, for taking William Hughs, charged with horse stealing, and employment of guards in taking and conveying to jail said prisoner, fifty-three dollars and twenty cents: T. T. Walls.

To J. S. McDonald, former jailor of Coosa county, for feeding state prisoner, one dollar. J. S. McDonald

SEC. 2. *And be it further enacted*, That the comptroller be and he is hereby authorised and required to draw his warrant on the treasury in favor of each person named in the first section of this act for the respective amounts therein allowed, to be paid out of any moneys in the treasury not otherwise appropriated. Comptroller authorised to draw on treasury.

APPROVED, 4 February, 1850.

[No. 416.]

AN ACT

Making appropriations to pay certain claims against the state.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the following sums of money be and the same are hereby appropriated to the payment of the following persons: Appropriations to

P. D. Roddy. To P. D. Roddy, for services rendered by himself and employment of two guards in conveying prisoners from Moulton, Alabama, to Somerville, Alabama, fourteen dollars and thirty cents.

W. N. Thompson. To William N. Thompson, jailor of Autauga county, for feeding state prisoners, forty-five dollars and fifty cents.

Isaac Hutchison. To Isaac Hutchison, jailor of DeKalb county, for taking Henriett Johnson out of jail, by order of the judge of the county court of said county, and employment of guards, one hundred and eighty-nine dollars and thirty-seven cents.

Reuben Estis. To Reuben Estes, sheriff of DeKalb county, for guarding Henriett Johnson, a state prisoner, one hundred and eighty-five dollars.

Lewis Owen. To Lewis Owen, for repairing and re-hanging chandelier in the state capitol, &c., one hundred and forty-eight dollars and fifty cents.

C. C. Langdon. To C. C. Langdon, for publishing proposals for public printing, sixty dollars and twenty-five cents.

J. Alderson. To John Alderson, for going to the state of Florida, apprehending and bringing to justice Richard Brown, charged with horse stealing, fifty dollars.

J. W. Hays. To John W. Hays, for feeding state prisoners, eleven dollars and twenty-five cents.

J. C. Carson. To John C. Carson, jailor of Bibb county, for feeding state prisoners, ninety-eight dollars and twenty-five cents.

M. C. Galloway. To M. C. Galloway, for advertising amendments to the constitution, one hundred and forty dollars.

R. S. James. To Richard S. James, for publishing the act of the last session to regulate permanently the sixteenth section school fund, thirty-two dollars.

Comptroller authorised to draw on treasury. SEC. 2. *And be it further enacted*, That the comptroller be and he is hereby authorised and required to draw his warrant on the treasurer in favor of each person named in the first section of this act, for the respective amounts therein allowed, to be paid out of any money in the treasury not otherwise appropriated.

APPROVED, 4 February, 1850.

[No. 417.]

AN ACT

Making appropriations to pay certain claims against the state.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the following sums of money be and the same are

hereby appropriated to the payment of the following persons : Appropriations to

To W. B. and A. R. Bell, for sundry articles furnished the state, per secretary of state and door-keepers of the two houses of the general assembly, five hundred and thirty-eight dollars and seventy-five cents : W. B. and A. R. Bell.

To J. J. Stewart, for coal furnished the house of representatives, thirty-six dollars and ten cents : J. J. Stewart.

To D. C. Harwell, [Hewell] for firewood furnished the secretary of state's office, five dollars and twenty-five cents : D. C. Harwell

To John R. Rodgers, for oil and candles furnished the state, one hundred and two dollars and twelve cents : J. R. Rodgers.

To George Huggins, former sheriff of Mobile county, for feeding state prisoners, one thousand, two hundred and seventy-nine dollars and ninety-five cents : G. Huggins.

To W. O. Baldwin, for servant hire, twenty-six dollars : W. O. Baldwin

To John Camp, for servant hire, sixty-six dollars : John Camp.

To Joel Riggs, for servant hire, ninety-nine dollars. Joel Riggs.

SEC. 2. *Be it further enacted*, That the comptroller be and he is hereby authorised and required to draw his warrant on the treasurer in favor of each person named in the first section of this act, for the respective sums therein allowed, to be paid out of any money in the treasury not otherwise appropriated. Comptroller to draw on treasury.

SEC. 3. *And be it further enacted*, That the further sum of eighteen 9-100 dollars be appropriated to W. B. and A. R. Bell for candlesticks, oil, &c., furnished for the use of the legislature; and the comptroller is authorised and required to issue his warrant on the treasury for the same. W. B. and A. R. Bell.

APPROVED, 12 February, 1850.

[No. 418.]

AN ACT

To make an appropriation to pay certain claims against the state.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Brittan and De Wolf be and they are hereby allowed the sum of two hundred dollars for printing of state bonds ; also, twenty-four dollars for printing two hundred copies of a revenue bill. Appropriations to Brittan and De Wolf.

SEC. 2. *And be it further enacted*, That the sum of seven dollars be appropriated to pay John Camp for balance of servant hire ; and that the comptroller of public accounts is authorised and required to draw his warrant on the treasury for the same. John Camp.

APPROVED, 12 February, 1850.

[No. 419.]

AN ACT

Making appropriations for the payment of certain claims against the state.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the following sums of money be and the same are hereby appropriated out of any money in the treasury not otherwise appropriated, and be paid to the following named persons, to-wit:

Appropriations
to

J. McCann.

To James McCann, jailor of Butler county, for feeding state prisoners, forty-two dollars and forty cents:

William Owen.

To William Owen, jailor of Randolph county, for feeding state prisoners, fifty-five dollars:

P. Woodson.

To Philip Woodson, for publishing abstract of the general report of the state treasurer, also of the comptroller of public accounts, and for publishing notice that the board of equalization will meet in February, and joint resolutions proposing amendments to the constitution, one hundred and seventy-five dollars:

H. W. Farley.

To H. W. Farley & Co., for articles furnished the state per Owen and Thomas, twenty-six dollars and three cents:

J. S. Clemens.

To James S. Clemens, jailor of St. Clair county, for feeding state prisoners, two hundred and eighteen dollars and eighty cents:

Neal Beard.

To Neal Beard, jailor of Monroe county, for feeding state prisoners, ninety-nine dollars:

St. John Naftall.

To St. John Naftall, for receiving the papers, records, &c., belonging to the comptroller's office, forty-five dollars:

R. and R. Williams.

To R. & R. Williams, for repairing large lantern, brass keys, &c., twelve dollars and fifty cents:

R. and R. Williams.

To R. & R. Williams, for work done on the roof of the state house, ninety-three dollars:

W. J. Bibb.

To William J. Bibb, for firewood furnished the state, forty-nine dollars:

W. H. Cunningham.

To W. H. Cunningham, for six days' services in re-arranging the papers and books in the comptroller's office, rendered necessary by the burning of the capitol, eighteen dollars:

M. L. McMillion.

To M. L. McMillion, for six days' services in re-arranging the books and papers in the comptroller's office, rendered necessary by the burning of the capitol, eighteen dollars:

John Powell.

To John Powell, for one desk furnished the comptroller's office, eight dollars:

To John Powell, for repairs of sofa, six dollars:

To J. J. Stewart, for two stoves, pipes and coal for representative hall, fifty-eight dollars and ten cents: J. J. Stewart.

To Sanford & Willson, for publishing amendments to the constitution and abstract of treasurer's report, two hundred and fifty dollars and fifty cents: Sanford and Willson.

To Moses Waters, jailor of Fayette county, for feeding state prisoners, one hundred and ninety-three dollars and fifty cents: Moses Waters.

To W. B. & A. R. Bell, for articles furnished consequent upon the death and burial of Woodson Northcut, member from Marion county, sixty-five dollars and ninety-three cents: W. B. and A. R. Bell.

To John Powell, for mahogany coffin and hearse, consequent upon the death of Woodson Northcut, member from Marion county, seventy dollars: John Powell.

To Lewis Owen, for cleaning, oiling and putting up clock in the state house, seven dollars: Lewis Owen.

To Thomas W. O'Neal, jailor of Russell county, for feeding state prisoners, forty-one dollars and fifty cents: T. W. O'Neal.

To N. B. Lasure, sheriff of Marengo county, for feeding state prisoners, thirty-five dollars and seventy-five cents: N. B. Lasure.

To H. D. Morrow, jailor of Morgan county, for feeding state prisoners, twenty-four dollars and eighty cents: H. D. Morrow.

To Burton Hope, three dollars, for preparing grave in the city cemetery for Hon. W. Northcut, late representative from Marion county. All of which is to be paid out of any money in the treasury not otherwise appropriated, and the comptroller will issue his warrant on the treasurer for the same: Burton Hope.

SEC. 2. *Be it further enacted*, That the following sums of money be and the same are hereby appropriated out of any money in the treasury not otherwise appropriated, and to be paid to the following persons, to-wit: Appropriations to

To John Powell, of Montgomery county, for work done on furniture, the sum of twenty-three dollars: John Powell.

To Mathew Deck, jailor of Fayette county, for feeding prisoners, the sum of twenty dollars and eighty cents: M. Deck.

To Jefferson Falkner, of Tallapoosa county, for six days' services arranging books and papers, the sum of twelve dollars: J. Falkner.

To Moses Summers, jailor of Fayette county, for feeding state prisoners, the sum of one hundred and eleven dollars seventy-five cents: Mo. Summers.

To William Garrett, of Montgomery, for so much paid out for collecting and arranging furniture, the sum of ten dollars: Wm. Garrett.

- W. R. Cunningham. To William R. Cunningham, of Montgomery, for collecting, assorting books in the secretary of state's office, the sum of nine dollars:
- R. G. Walker. To R. G. Walker, tax collector of Tallapoosa county, for the amount overpaid of assessment of 1848, the sum of five dollars and twenty-nine cents:
- P. Anderson. To Peter Anderson, sheriff of Jefferson county, for removing prisoner Watkins from Elyton to Montevallo, the sum of sixteen dollars and sixteen cents:
- H. and J. A. Rogers. To H. & J. A. Rogers, of Montgomery county, for desk for secretary of senate, the sum of ten dollars:
- B. Williams. To Buckner Williams, sheriff of Barbour county, for conveying prisoners Adams and Sharp from penitentiary to court, the sum of fifty-two dollars forty-eight cents:
- Mrs. Ball. To Mrs. Ball, of Montgomery, for furnishing firewood, the sum of twenty-four dollars and sixty cents:
- J. C. Gillespie. To John C. Gillespie, of Blount county, for transporting assessment books, the sum of fifteen dollars:
- Burton Hope. To Burton Hope, of Montgomery county, fitting up chamber for the senate, the sum of sixty-five dollars:
- J. F. Marrast. To J. F. Marrast, secretary of senate, for inkstand and ink, the sum of one dollar and forty-five cents:
- Thos. Harrison. To Thomas Harrison, of Montgomery, fitting up supreme court room and arranging library, forty-five dollars and fifty cents:
- G. D. Purcell. To George D. Purcell, keeping state capitol, and boxing, packing, shipping furniture, boxes, &c., the sum of seventy-six dollars and fifty cents:
- John Alderson. To John Alderson, of Tallapoosa county, for going to Florida, arresting and bringing back horse thief at considerable expense, the sum of fifty dollars:
- S. Williams. To Simon Williams, sheriff of Covington county, for feeding state prisoners, the sum of twenty-two dollars and seventy-five cents:
- T. J. Molton. To Thomas J. Molton, of Montgomery, for negro hire, the sum of twelve dollars:
- A. J. Pickett. To A. J. Pickett, of Montgomery county, for paste, per boy, one dollar:
- N. E. Benson. To N. E. Benson, of Montgomery, for counter in the treasurer's office, the sum of twenty dollars:
- J. W. Warren. To James W. Warren, of Tuscaloosa county, for state printing, the sum of one hundred and thirty-four dollars:
- C. C. Coupee. To C. C. Coupee, of Montgomery, for binding supreme court transcript, the sum of fifty-four dollars:
- L. H. Dickerson. To L. H. Dickerson, of Montgomery, to one desk furnished, the sum of seven dollars.

SEC. 3. *And be it further enacted,* That the sum of fifty dollars be and the same is hereby appropriated to Ed. Jones, of St. Clair county, for apprehending and prosecuting to conviction Thomas Jones, for horse stealing in said county: *Provided,* That not more than fifty dollars shall be paid out of the state treasury to the said Edward Jones or to John Alderson, under this and previous acts.

APPROVED, 12 February, 1850.

[No. 420.]

AN ACT

To make appropriations to pay certain claims against the state.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the following sums of money be and the same are hereby appropriated for the payment of the following persons, to wit: Appropriations to

To Brittan & De Wolf, for printing two hundred copies of programme of the funeral of Woodson Northcut, and for three hundred copies of governor Collier's inaugural address, twenty-five dollars: Brittan & De Wolf.

To J. F. Grant, for publishing meeting of the board of equalization and for publishing proposed amendments to the constitution, one hundred and two dollars: J. F. Grant.

To Alexander Bell, for hauling firewood from capitol hill to the offices of comptroller, state treasurer and adjutant general, five dollars: Alex. Bell.

To Thomas De Wolf, for publishing proposed amendments to the constitution, one hundred and fifty-four dollars: Thos. De Wolf.

To John Powell, for repairing chairs for the state, &c., and treasurer's table, forty-six dollars: John Powell.

To Wm. O. Baldwin, for putting up shelves in the secretary of state's office, eight dollars: W. O. Baldwin.

To A. G. & G. F. Knight, for papering ends of seats in the lobby and glazing lights, two dollars: A. G. & G. F. Knight.

To A. P. Pfister, for inkstands, &c., furnished the state, five dollars and fifty cents: A. P. Pfister.

To James K. Whitlow, for feeding state prisoners, nine dollars and twenty-five cents: J. K. Whitlow.

To B. Holt, for building speaker's stand and other work done, and articles furnished the state in fitting up the room for the accommodation of the house of representatives in the Exchange Hotel, two hundred and sixteen dollars and five cents: B. Holt.

- A. P. Pfister. To A. P. Pfister, for paper furnished the state, twelve dollars and seventy-five cents :
- T. Rutherford. To T. Rutherford, for conveying convicts to the penitentiary, and conveying two state prisoners to Tallapoosa county on change of venue, forty-four dollars :
- L. Cunningham. To Lewis Cunningham, sheriff of Cherokee county, feeding state prisoners, two hundred and thirty dollars and twenty cents :
- M. C. Moore. To M. C. Moore, for work done in fitting up the comptroller's office in the new building assigned him since the burning of the capitol, seventy five dollars :
- Thos. De Wolf. To Thomas De Wolf, for publishing sixteenth section law of the last session of the legislature, and advertising the letting out of the state printing, one hundred and sixty-two dollars and fifty cents :
- Jas. H. Moore. To James H. Moore, sheriff of Marshall county, for executing Stewart, a slave, the property of Sowel Newsom, ten dollars :
- Jacob Becker. To Jacob Becker, for locks, keys, &c., furnished the house of representatives, forty-one dollars and twenty-five cents :
- Jas. H. Owen. To James H. Owen, for collecting stationery, inkstands, &c., belonging to the state, ten dollars.
- Comptroller to draw on treasury. SEC. 2. *Be it further enacted*, That the comptroller of public accounts be and he is hereby authorised to draw his warrant on the treasurer for the several sums of money to the several named persons in this act.
- A. J. Pickett. SEC. 3. *And be it further enacted*, That the sum of ninety-four dollars be appropriated to A. J. Pickett, for servant hire :
- J. S. Winter & Co. To J. S. Winter & Co., twelve dollars, for lumber furnished the state offices :
- Rich'd. Coxe. To Richard Coxe, one dollar and seventy-five cents for axe :
- L. G. McMillan. To L. G. McMillan, ten dollars :
- Mrs. E. J. Ball. To Mrs. E. J. Ball, two dollars for wood for the legislature; to be paid out of any money in the treasury not otherwise appropriated.
- APPROVED, 12 February, 1850.

[No. 421.]

AN ACT

For the relief of Thos. L. McGowen, of Macon county.

Preamble. Whereas, Thos. L. McGowen, late tax collector for the county of Macon, has heretofore paid into the state treasury, as state tax for the year one thousand eight hundred and forty eight, the sum of one hundred and twenty-five

dollars and twenty cents over and above the sum due by that officer; therefore

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be and he is hereby authorised to draw his warrant on the treasurer, in favor of the said Thos. L. McGowen, for the sum of one hundred and twenty-five dollars and twenty cents overpaid by him into the treasury as aforesaid. \$125.20 appropriated.

APPROVED, 5 January, 1850.

[No. 422.]

AN ACT

For the relief of Alexander Wood, late tax collector of Benton county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be and he is hereby required to draw his warrant on the treasurer of this state in favor of Alexander Wood, late tax collector of Benton county, for the sum of one hundred and five dollars and fifty-eight cents; to be paid out of any money in the treasury not otherwise appropriated. \$105.58 appropriated.

APPROVED, 26 January, 1850.

[No. 423.]

AN ACT

To compensate Samuel W. McGehee for a certain slave executed.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of the state be and he is hereby authorised and required to issue his warrant on the state treasurer for the sum of four hundred dollars, in favor of Samuel W. McGehee, the owner of a certain slave tried and executed in the county of Jackson for an attempt to commit a rape on the person of Nancy G. Cloud, a white female, the said slave being indicted under the name of Jim and his value being assessed by the jury at the sum of eight hundred dollars: *Provided,* The said McGehee shall first prove to the satisfaction of the comptroller that he was the owner of said slave at the time of his execution: *And provided further,* That sum be paid out of the funds provided by law for the payment of such claims. \$400 appropriated.

APPROVED, 6 February, 1850.

[No. 424.]

AN ACT

For the relief of James M. Gee.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be and he is hereby authorised to draw on the treasurer of the state for the sum of one hundred and sixty dollars in favor of Capt. Jas. M. Gee, on account of money paid by him in bearing the expenses of that portion of his company of mounted gunmen, eight in number, from North Alabama to Mobile and back, who were rejected by the examining physician at Mobile.

\$160 appropriated.

APPROVED, 14 December, 1849.

[No. 425.]

AN ACT

To appropriate the sum of three hundred and 50-100 dollars to pay for printing and advertising done for the state.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of three hundred and 50-100 dollars be appropriated for the payment of McCormick & Walsh and McCormick & Brittan for printing and advertising done for the state not included in the contract for public printing.

\$300 50-100 appropriated.

APPROVED, 1 February, 1850.

[No. 426.]

AN ACT

For the relief of R. W. Coltart.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of fifty dollars be and the same is hereby appropriated to the payment of the claim of R. W. Coltart for expenses incurred by him in going under the directions of the governor of this state, for the purpose of bringing one Jacob Jester, a fugitive felon, then confined in the jail in the town of Little Rock, in the state of Arkansas.

\$50 appropriated.

SEC. 2. *And be it further enacted,* That the state comptroller be and he is hereby authorised to issue a warrant on the state treasurer for the amount of fifty dollars, to be paid out of any money in the treasury not otherwise appropriated.

APPROVED, 14 January, 1850.

[No. 427.]

AN ACT

For the relief of Nelson Parsons.

Whereas Nelson Parsons, late tax collector of Dallas county, did, through misapprehension of his liability as tax collector, on settlement with the comptroller of public accounts, pay into the treasury of the state the sum of fourteen hundred dollars more than he had actually collected; therefore

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the treasurer of the State of Alabama be and he is hereby authorised and required to refund to the said Nelson Parsons the said sum of fourteen hundred dollars so overpaid.

APPROVED, 31 January, 1850.

[No. 428.]

AN ACT

To pay Uriah Dunn for moneys expended in apprehending and bringing to trial William Dunn, who was convicted of negro stealing.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be and he is hereby authorised to draw his warrant on the state treasurer for the sum of one hundred and twenty-three dollars, in favor of Uriah Dunn, it being the amount paid out by him in apprehending and bringing to conviction William Dunn, charged with negro stealing.

APPROVED, 7 February, 1850.

[No. 429.]

AN ACT

To compensate Hardy Griffin, of Perry county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That on account of extraordinary services and money actually paid out and expended by Hardy Griffin, of Perry county, in arresting, prosecuting and bringing to punishment a white person named Henry Ham, for negro stealing, the comptroller of public accounts be and he is hereby authorised and required to draw his warrant on the treasurer, in favor of said Hardy Griffin, for the sum of one

hundred and fifty dollars, to be paid out of any money in the treasury not otherwise appropriated.

APPROVED, 1 February, 1850.

[No. 430.]

AN ACT

For the benefit of Josiah Terry, sheriff of Talladega county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be and he is hereby authorised and required to draw his warrant on the treasurer in favor of Josiah Terry, sheriff of Talladega county, for the sum of fifty dollars, for services rendered the state in 1848, 1849 and 1850, to be paid to the said Josiah Terry out of any moneys in the treasury not otherwise appropriated.

APPROVED, 7 February, 1850.

[No. 431.]

AN ACT

For the relief of Mary Simmons, of Lowndes county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be and he is hereby authorised to draw his warrant upon the treasurer, in favor of the legal representatives of the late Thomas P. Simmons, of Lowndes county, for the sum of two hundred and twenty-one ~~20-100~~ dollars; that amount being due the estate of the said Thomas P. Simmons, dec'd, for victualing state prisoners, as jailor of said county; and the said Thomas P. Simmons never having received said pay, nor any part thereof, in his lifetime: *Provided,* That if no legal representative of the estate of said Simmons be appointed, within the period of six months from and after the approval of this act, that then it shall be lawful for the comptroller of public accounts to issue his warrant upon the treasurer for the amount appropriated by this act, in favor of Mary Simmons, relict and widow of the said Thomas P. Simmons, dec'd.

APPROVED, 7 February, 1850.

[No. 432.]

AN ACT

To compensate John Lockhart for apprehending and prosecuting to conviction a criminal therein named.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of two hundred and twenty-three dollars be and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to John Lockhart, of Perry county, for pursuing to Tennessee, apprehending, conveying to the jail of Perry county, and prosecuting to conviction, one William Nelson, *alias* Bill Rollins, charged with negro stealing; said conviction having been had at the fall term of the circuit court for the county of Perry, in the year 1848, and said offender having been sentenced to the penitentiary for a period of ten years.

APPROVED, 9 February, 1850.

[No. 433.]

AN ACT

To authorise the comptroller to issue his warrant, &c.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be and he is hereby authorised and required to issue his warrant on the state treasurer, in favor of E. H. Harris, for the sum of one hundred and thirty-three 20-100 dollars, and the state treasurer is hereby authorised to pay the same out of any money not otherwise appropriated.

APPROVED, 11 February, 1850.

[No. 434.]

AN ACT

For the relief of James M. Morrow.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be and he is hereby directed to issue a warrant upon the treasury of the state in favor of James M. Morrow, late sheriff of Fayette county, for the sum of one hundred and twenty-one dollars and sixty-five cents, for services and expenses incurred by said Morrow in conveying James Williams and William A. Johnson from the penitentiary to the jail of Fayette county, by order of the supreme court of the state.

APPROVED, 12 February, 1850.

[No. 435.]

AN ACT

For the relief of James M. Morrow, late sheriff of Fayette county.

\$129.05 appro-
priated.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That James M. Morrow, late sheriff of Fayette county, be allowed the sum of one hundred and twenty-nine dollars and five cents, for feeding state prisoners; which shall be paid out of any moneys in the treasury not otherwise appropriated.

APPROVED, 12 February, 1850.

[No. 436.]

AN ACT

To refund a sum of money to ——— Goodwin, widow of William M. Goodwin, deceased, of Pickens county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of eighty-nine dollars and seventy-five cents be refunded to ——— Goodwin, widow of Wm. M. Goodwin, deceased, of Pickens county; and that the comptroller of public accounts be authorised to draw his warrant on the treasurer for this amount out of any moneys in the treasury not otherwise appropriated.

APPROVED, 11 February, 1850.

[No. 437.]

AN ACT

For the relief of Thomas B. Jones, jailor of Macon county.

\$144.70 appro-
priated.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of one hundred and forty-four dollars and seventy cents be and the same is hereby appropriated to Thomas B. Jones, jailor of Macon county, for keeping Solomon Thornton, a state prisoner, who broke jail; and that the comptroller be and he is hereby authorised to issue his warrant for the same.

APPROVED, 4 February, 1850.

[No. 438.]

AN ACT

For the relief of Joseph H. Wallis, of the county of Lawrence.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of fifty dollars be and the same is hereby appropriated to Joseph H. Wallis, of the county of Lawrence, out of any moneys in the treasury not otherwise appropriated, for having pursued, arrested and delivered to the legal authorities one Daniel Birnes, a fugitive from justice, and who was charged with the crime of larceny in stealing two horses. \$50 appropriated.

SEC. 2. *And be it further enacted,* That the comptroller of public accounts be and he is hereby authorised and required to draw his warrant upon the treasurer in favor of the said Joseph H. Wallis for said sum of fifty dollars.

APPROVED, 12 February, 1850.

[No. 439.]

AN ACT

For the relief of Lewis Cunningham.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be and he is hereby required to draw his warrant upon the state treasurer in favor of Lewis Cunningham, for the sum of seventy-eight dollars, to be paid out of the treasury of this state. \$78 appropriated.

APPROVED, 21 January, 1850.

[No. 440.]

AN ACT.

For the pay of clerk hire in the comptroller's office for the year 1849.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of four hundred and twenty dollars be appropriated to Thomas Harrison, for his services as clerk in the comptroller's office from the 6th day of March to the 17th day of November, 1849; and that the comptroller of public accounts draw his warrant on the state treasurer for said amount, out of any money in the treasury not otherwise appropriated. Thos. Harrison \$420.

APPROVED, 20 December, 1849.

[No. 441.]

AN ACT

To compensate Thomas L. Brothers, for wood and lightwood furnished the state, in the year 1849.

\$268.55 appropriated.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller draw his warrant on the treasurer of the state of Alabama, in favor of Thomas L. Brothers, for the sum of two hundred and sixty eight dollars and fifty-five cents, being the amount of his account against the state for wood and lightwood furnished and delivered at the capitol, in the year 1849.

APPROVED, 16 January, 1850.

[No. 442.]

AN ACT

To pay a certain claim against the state.

S. H. Skelton
\$85.43.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be authorised to draw his warrant on the treasurer of the state, for eighty-five dollars and forty-three and three-fourth cents, in favor of Swan H. Skelton, of Tusklaoosa county.

APPROVED, 12 February, 1850.

[No. 443.]

AN ACT

To compensate the owners of buildings used by the general assembly and officers of the state.

Duty of the governor.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the governor of the state be and he hereby is authorised to have accounts stated and to allow the same, with the several persons owning the buildings or rooms which since the burning of the capitol have been or which hereafter may be occupied or used by the general assembly, or either branch thereof, or any officer of the same, or by the members or officers of any of the other departments of the government, for the public service, in order to the ascertainment of a full and fair rent or compensation thereof.

SEC. 2. *And be it further enacted,* That the governor shall have authority to certify the sums so stated and

allowed, to the comptroller of public accounts; whereupon the comptroller shall issue quarterly his warrants upon the treasurer of the state for the payment at the end of each quarter of the sums so allowed to the person to whom they respectively may be due; and the treasurer shall pay the same out of any moneys in the treasury not otherwise appropriated. Amounts shall be paid.

APPROVED, 12 February, 1850.

[No. 444.]

AN ACT

For the relief of James F. Bludworth, tax collector of Dale county for 1846.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be and he is hereby required to issue his warrant upon the state treasurer in favor of James F. Bludworth, tax collector of Dale county for 1846, for the sum of sixty-four dollars and ninety cents, overpaid by him in 1846, to be paid out of any money in the treasury not otherwise appropriated. \$64.90 appropriated.

APPROVED, 7 February, 1850.

[No. 445.]

AN ACT

For the relief of Jesse Horn.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Jesse Horn, of Fayette county, be allowed the sum of thirty dollars, for guarding and boarding Catharine Furguson thirty days, who was during that time confined at the house of said Horn, upon a charge of murder; which sum shall be paid out of any money in the treasury not otherwise appropriated. Allowed \$30.

APPROVED, 12 February 1850.



JOINT RESOLUTIONS AND MEMORIALS.

JOINT RESOLUTIONS

Ratifying the proposed amendments to the constitution of the State of Alabama.

WHEREAS, the general assembly of the State of Alabama, at the last session of the same, duly submitted to the people of the said state proposed amendments to the constitution of said state ; and whereas, the people of this state, in manner and form as provided by the constitution, have adopted the said amendments, which are in the words and figures following :

“ SEC. 1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the following amendments be and the same are hereby proposed to the constitution of the State of Alabama :

“ Strike out the ninth section of the third article of the constitution, and in lieu thereof insert the following :

“ ‘ SEC. 9. The general assembly shall cause an enumeration to be made in the year eighteen hundred and fifty and eighteen hundred and fifty-five, and every ten years thereafter, of all the white inhabitants of the state ; and the whole number of representatives shall at the first regular session after such enumeration be apportioned among the several counties, cities or towns entitled to separate representation, according to their respective number of white inhabitants ; and the said apportionment when made shall not be subject to alteration until after the next census shall be taken ; the number of representatives shall not exceed one hundred, and the number of senators shall not exceed thirty-three : yet each county, notwithstanding it may not have a number of white inhabitants equal to the rates fixed, shall have one representative.’ ”

“ Strike out the thirteenth section of the third article of the constitution and insert in lieu thereof the following :

“ ‘ SEC. 13. Senators shall be chosen for the term of four years : yet at the general election after every new apportionment, elections shall be held anew in every senatorial district ; and the

senators then elected, when convened at the first session thereafter, shall be divided by lot into two classes as nearly equal as may be; the seats of those of the first class shall be vacated at the expiration of two years, and those of the second class at the expiration of four years, dating in both cases from the day of election, so that one-half may be biennially chosen, except as above provided."

"Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the following amendments to the constitution of the State of Alabama be proposed to the people of said state, and that if a majority of all the people voting for representatives at the next general election thereof shall vote in favor of the elections of judges of the circuit courts, and also of the judges of the inferior courts by the people, and the next general assembly shall ratify the same according to the constitution, then the proposed amendment hereinafter set forth shall be valid to all intents and purposes as part of the constitution; but if a majority of all the people voting as aforesaid for representatives shall vote for the election of judges of the circuit courts by the people and the next general assembly shall ratify the same according to the constitution, and a majority of such voters for representatives shall *not* vote in favor of the election of judges of the inferior courts by the people, or the same shall not be ratified as aforesaid, then the said proposed amendment, with the exception of and without the following part therein, to-wit: "And for the election of judges of the courts of probate and other inferior courts (not including chancellors)" by the qualified electors of the counties, cities or districts for which such courts may be respectively established," shall be valid to all intents and purposes as part of the constitution; and if a majority of all the voters aforesaid for representatives shall vote for the election of judges of the inferior courts by the people and the same shall be ratified as aforesaid, and a majority of said voters shall *not* vote for the election by the people of the judges of the circuit courts, or the same shall not be ratified as aforesaid, then the amendment hereinafter set forth, with the exception of and without the following part of it, to-wit: "For the elections of the judges of the circuit courts by the qualified electors of their circuits respectively, and," shall be valid to all intents and purposes as part of said constitution: that is to say, at the end of the twelfth section of the fifth article of the constitution add: "But at and after the session of the general assembly to be held in the winter of the years eighteen hundred and forty-nine-fifty, the general assembly shall provide by law for the elections of judges of the circuit courts by the qualified electors of their circuits respectively, and for the elections of judges of the courts of probate and other inferior courts (not including chancellors)" by the qualified electors of the counties, cities or districts for which such courts may be respectively established; the first Monday in November in any year shall be the day for any election of such judges by the people, or such other day, not to be within a less period than two months of the gen-

eral election for governor, members of the general assembly or members of congress, as the general assembly may by law prescribe; but no change to be made in any circuit or district, or in the mode or time of electing, shall affect the right of any judge to hold office during the term prescribed by the constitution, except at the first elections thereof to be made by the people after the ratification of these amendments, or either of them, which elections shall then all be had on the same day throughout the state, and the terms of the judges then to be elected shall commence on that day; vacancies in the offices of judge shall be filled by the governor, and the persons appointed thereto by him shall hold office until the next first Monday in November or other election day of judges and until the election and qualification of their successors respectively; and the general assembly shall have power to annex to the offices of any of the judges of the inferior courts the duties of clerks of such courts respectively." "Therefore—

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, two-thirds of each house concurring, That the aforesaid amendments to the constitution proposed as aforesaid and accepted by the people as aforesaid, be ratified; and that the same, from and after the passage of this resolution, be and form a part of the constitution of the State of Alabama.

L. P. WALKER,

Speaker of the House of Representatives.

D. DENT,

President of the Senate.

APPROVED, 29 JANUARY, 1850.

H. W. COLLIER.

A REPORT AND JOINT RESOLUTIONS

In relation to the death of James K. Polk.

The select committee to whom was referred that part of the governor's message which relates to the death of James K. Polk, late President of the United States, together with the resolutions of the legislature of the State of New Hampshire upon the same subject, have had the same under consideration and ask leave to submit the following report: That while we bow with humble submission to this afflictive dispensation of Providence, we deeply sympathise with the bereaved widow and afflicted relations of the deceased in the death of one endeared to them by the tenderest ties as well as by the constant exercise of all the virtues which can elevate and embellish our common nature; and with the people of our whole Union, in the loss of an eminent citizen and a most distinguished statesman. It is not within the province or consistent with the duties of your committee to invade the sanctity of

that private and hallowed circle so lately radiant with joy and hope but now made desolate by the hand of death. To those composing that circle your committee can only commend the comforts of religion and its soothing hopes, which alone can dispel the gloom of the grave.

In contemplating the death of James K. Polk there are sources of high though mournful consolation to his friends and countrymen. The darkness which rests upon his tomb is illuminated by the reflection that in private life his character was unspotted; as a citizen, he was virtuous and useful; and as chief magistrate of this growing commonwealth of free and independent states, he was wise and patriotic. While yet in the vigor of life he was stricken down just at the close of his brilliant and eventful administration. It was his peculiar good fortune to be elevated to the chief magistracy at a much earlier period of life than had fallen to the lot of any of his illustrious predecessors; and in the inscrutable ways of Providence it has been his lot, at a much earlier period of life than was allotted to them, to be "gathered to his fathers." He was not spared to witness the full development of the distinguished measures of his administration, nor to see the influence which they were destined to exert upon the institutions of his country. These must be submitted to the tests and scrutiny of time and truth. His name is connected with important events in his country's history. To impartial history his name is now committed to be held in trust for posterity. Under our free political institutions, the talents, services and fame of public men are justly and properly appreciated; and when they have passed from amongst us their memory is cherished as the common property of a common country.

Your committee dwelt with pleasure and rational pride upon the important fact, so highly illustrative of the genius of our people, that no matter what passions may have been awakened in political controversy, or what differences may have divided the living, they rise into nationality in its most imposing form when an illustrious patriot and statesman falls in their midst. They assemble in a spirit of national fraternity as common mourners; around his honored grave pay the just tribute of national grief and respect to his virtues and services, and treasure up and guard his fame as part of their national inheritance. It was in this spirit that the ancient commonwealth of Rome treasured up and perpetuated the fame of her illustrious benefactors. It was in this spirit that Athens mourned her fallen heroes and sages, and transmitted their names and examples to posterity. It was in this spirit that Sparta mourned over the grave of her Leonidas, and gave perpetual verdure to the turf that covered him. In this spirit the people of the United States have honored the memory of their departed statesmen, and have mingled their common sympathies around the grave of the illustrious dead. The cultivation of the generous impulses, so honorable to our common nature, was worthy of Sparta, of

Athens, and of Rome. It is worthy of the people of the United States, and is worthy of the people of Alabama, here, speaking through the voice of their assembled representatives, to pay the just tribute due to the memory of a patriot statesman. Your committee therefore submit the following joint resolutions:

1. *Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it was with deep and painful regret we received the intelligence of the sudden and unexpected death of James K. Polk, late President of the United States.

2. *Resolved,* That we sincerely sympathise with the bereaved widow and mourning relatives of the deceased in their melancholy affliction.

3. *Resolved,* That in the death of James K. Polk the people of the United States have lost a virtuous citizen, a pure patriot, and an enlightened statesman; and political freedom everywhere has lost one of its most successful defenders.

4. *Resolved,* That his excellency the governor be requested to transmit a copy of the foregoing resolutions to the widow of James K. Polk, late President of the United States.

L. P. WALKER,

Speaker of the House of Representatives.

D. DENT,

President of the Senate.

APPROVED, 5 January, 1850.

H. W. COLLIER.

JOINT RESOLUTION

In relation to the Washington Monument.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That his excellency the governor of the state of Alabama, in the name and behalf of the people of said state, be and he is hereby authorised and required to contract for and order a solid and beautiful specimen of marble from one of our finest and richest quarries, in conformity with the dimensions and with such devices and inscriptions as he may prescribe, not contrary to the directions of the national monument committee; and cause the same to be forwarded to the proper point of destination, and ask for it a prominent place in the Washington monument—saying thereby to the world, "Let the name of Washington never be forgotten."

APPROVED, 4 December, 1849.

A JOINT RESOLUTION

For the benefit of the Central Masonic Institute.

WHEREAS, the trustees of the Central Masonic Institute, located in the town of Selma, have deemed it necessary to the prosperity of the institution to engraft upon its original course of studies the military science, which will prove not only conducive to the health of the young men by the active and regular exercise required, but of great service to the state at large by preparing them for the direction of the militia in cases of necessity; and whereas, said Central Masonic Institute is deficient in the kind of arms best adapted to the military training of its pupils; therefore

SEC. 1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the trustees of said Central Masonic Institute be and they are hereby authorised to apply to the secretary of war for such description of arms as in their opinion said institute may require, in lieu of the muskets apportioned and furnished to the State of Alabama, on condition that they shall give bond to the governor and his successors in office for the safe keeping and final return of said arms.

APPROVED, 19 January, 1850.

JOINT RESOLUTIONS

In relation to the colors presented to the Alabama battalion.

SEC. 1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the stand of colors presented to the Alabama battalion serving in Mexico, and the muster roll of the same, be, when received, deposited in the office of the secretary of state.

SEC. 2. *And be it further resolved,* That the books, maps, &c., pertaining to the survey of lands in this state, be deposited in the same office.

APPROVED, 29 January, 1850.

JOINT RESOLUTIONS

Concerning the deposit of public arms, and for other purposes.

1st. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the quarter master general of this state be and he is hereby authorised to

use any of the rooms in the basement story of the state capitol at Tuscaloosa as a place of deposit for arms and accoutrements in boxes unopened, received, or which may be received, from the United States, for the use of this state.

2D. *Be it further resolved*, That the secretary of state be and he is hereby authorised to receive from Col. Seibels, late commander of the Alabama battalion of volunteers in service against Mexico, the stand of colors presented by this state to said battalion, together with the muster rolls and other books which Col. Seibels may deliver to him, and deposit them for safe keeping in some of the public rooms in the state capitol at Montgomery.

APPROVED, 13 February, 1850.

JOINT RESOLUTION -

To provide for obtaining duplicates of books and public documents destroyed in the burning of the state capitol.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That it is hereby made the duty of the secretary of state to make application to the proper authorities of the United States government, at Washington, and at the several state governments, for duplicates of all publications of laws, reports and documents heretofore received by this state, and recently destroyed by fire, and to receive all such as may be furnished for the use of the state.

APPROVED, 12 February, 1850.

A JOINT RESOLUTION

In relation to the suit now pending between the State of Alabama and the branch bank at Huntsville.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the commissioner and trustee of the bank of the State of Alabama and its branches, be and he is hereby authorised at the next term of the circuit court of Madison county to have the suit now pending in that court, in which the State of Alabama is plaintiff, and the branch of the bank of the State of Alabama at Huntsville is defendant, finally disposed of, either by dismissing the same or allowing judgment to be rendered in the same against the said bank, as he may judge most conducive to the interest of the state.

APPROVED, 4 February, 1850.

JOINT RESOLUTION

For the payment of the state printers.

SEC. 1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all the printing done for this session shall be paid according to the contract of the present state printers.

APPROVED, 18 December, 1849.

JOINT RESOLUTIONS

For the printing and distribution of the report of the state geologist.

1. *Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That two thousand copies of the report of the state geologist, M. Toumey, be published in pamphlet form, under his direction, as early as may be, at a price not exceeding that now paid to the state printer for similar work; and he is hereby authorised to procure suitable wood cuts and a geological map for the proper illustration thereof; which shall be distributed as nearly as may be by the direction of the governor, as follows: To the governor, secretary of state, comptroller of public accounts, state treasurer, judges of the supreme, circuit and county courts, trustees and faculty of the University, the principals of incorporated colleges and academies, senators and representatives of the state legislature, each one copy; to professor Toumey, one hundred copies; the remainder shall be distributed to the counties of this state, respectively, in proportion to the representation thereof; and the clerks of the county courts shall receipt therefor to the person delivering the same, and shall distribute them to the magistrates of their counties as far as they may go.

2. *Resolved,* That the governor shall certify the account of any person or persons for services performed under authority of the foregoing resolution, if he be satisfied of the correctness thereof; upon certificate the comptroller of public accounts shall draw his warrant on the state treasurer for the amount so certified, which shall be paid out of any moneys in the treasury not otherwise appropriated.

3. *Resolved,* That his excellency the governor have control of one hundred copies of said report for transmission to the other states of this Union.

APPROVED, 4 February, 1850.

JOINT RESOLUTION

Instructing our Senators in Congress, &c.

Resolved, That our Senators in Congress are hereby instructed, and our representatives requested, to use all proper means to procure the relief asked for in the joint memorial to the Congress of the United States for the sale of the reserved lands lying in the county of Clarke.

APPROVED, 16 January, 1850.

JOINT RESOLUTION

In relation to the safe-keeping of the furniture of both houses of the general assembly.

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That James G. Carroll be and he is hereby authorised to take charge of and safely keep the furniture of the two houses of this general assembly, until the meeting of the next legislature; and that he is hereby authorised to obtain a safe and suitable house for the same, and that he receive for his services whatever may be allowed by the next legislature.

APPROVED, 13 February, 1850.

JOINT RESOLUTIONS

To compensate Jefferson F. Jackson, the agent appointed to re-state and settle the claims of this state against the United States on account of the five per cent. fund.

SEC. 1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That five per cent. be allowed to Jefferson F. Jackson, the agent appointed on behalf of the State of Alabama to re-state the accounts between this state and the government of the United States in relation to the five per cent. fund, upon and for all sums of money received and to be received as the result of such agency, for the compensation of said agent himself.

SEC. 2. *And be it further resolved*, That the governor of the state be and he is hereby authorised to have an account taken of the expenses actually incurred by the said agent in the prosecution of the business of the agency, and to cause all such expenses to be reimbursed to said agent, provided they shall not exceed the sum of twenty-five hundred dollars.

SEC. 3. *And be it further resolved,* That the governor of the state be and he is hereby authorised to fix upon and cause to be paid such sums as may be justly due to Charles H. Stewart and Joseph Bryan, agents and attorneys employed by said Jackson to aid him in the business of the agency: *Provided,* That all the sums hereby authorised to be paid, shall be paid out of the moneys to be recovered by means of said agency.

APPROVED, 31 January, 1850.

JOINT RESOLUTION

Authorising D. Coggin to draw the pay due Hon. Woodson Northcut, late a member of the house of representatives from Marion county.

SEC. 1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That D. Coggin be and he is hereby authorised to draw for and receive whatever pay may be due the Hon. Woodson Northcut, late a member of the house of representatives from the county of Marion, and apply so much of it as shall be necessary to discharge his board and other expenses incurred by him in the city of Montgomery.

APPROVED, 12 February, 1850.

JOINT RESOLUTION

For the relief of Charles S. Lucas, of Montgomery.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the commissioner appointed to settle the affairs of the state bank and branches be and he is hereby authorised to give a further extension of time to Charles S. Lucas for the payment of the remainder of the debt due by him to the branch of the bank of the state of Alabama, at Montgomery, so as to make the same payable as follows: Five thousand dollars to be paid within thirty days from the date of the passage of this resolution; one-fourth of the remainder to be paid on the first day of May, 1851; one-fourth on the first day of May, 1852; one-fourth, on the first day of May, 1853; and the remaining fourth, on the first day of May, 1854; with interest on said payments, respectively, until paid: *Provided,* That the said Lucas continue the mortgage on seventy-five negroes and seventeen hundred acres of land now mortgaged to secure the said debt; and shall give the name of Henry Lucas, of Montgomery county, as surety for said payments: *Provided also,*

That the said bank commissioner shall be satisfied that the said extended payments are made secure and the debt good beyond all doubt.

APPROVED, 16 January, 1850.

JOINT RESOLUTIONS

For the relief of Richard G. Davis.

1st. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioner appointed to settle the affairs of the state bank and branches, be and he is hereby authorised to give a further extension of time to Richard G. Davis, for the payment of the remainder of the debt due by him to the branch of the bank of the State of Alabama at Mobile, so as to make the same payable as follows: One thousand dollars to be paid within thirty days from the date of the passage of this resolution; one-fourth the remainder to be paid on the first day of May, 1851; one-fourth on the first day of May, 1852; one-fourth on the first day of May, 1853; and the remaining fourth on the first day of May, 1854; with interest on said payments, respectively, till paid: *Provided*, That the said Davis continue the same securities, or such other as will be satisfactory to the said commissioner and trustee: *Provided further*, That the said bank commissioner shall be satisfied that the said extended payments are made secure and the debt good beyond all doubt.

APPROVED, 9 February, 1850.

JOINT RESOLUTION

For the relief of Richard Benbow, of Pike county.

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That on payment by Richard Benbow, of Pike county, of one-fourth of his debt now due the branch bank at Montgomery, the commissioner shall be authorised (if in his opinion it is safe to do so) to give one and two years on the balance, on said Benbow's giving undoubted and ample security for payment of said balance.

APPROVED, 12 February, 1850.

JOINT MEMORIAL

To Congress in relation to the case of John Scott.

To the honorable the Senate and House of Representatives of the United States in Congress assembled :

The memorial of the general assembly of the State of Alabama respectfully sheweth that John Scott, of Pike county, in the late Creek war volunteered as a private soldier under Capt. Wm. Wellborn, and served under him during the greater part of that war ; said Scott behaved himself well as a soldier, and beside other services incident to the campaign, was with said captain in the battle of Martin's field, and of Pea river, in the county of Barbour, in this state.

In the battle of Martin's field Capt. Wellborn's force being greatly inferior in point of numbers to the enemy, was compelled, after a long and obstinate resistance, to retreat ; Scott's horse being killed in the engagement, he was compelled to retreat on foot, and thus was pursued several miles by the savages, and swam a creek to escape ; Scott was then healthy and strong, but this exposure and fatigue was succeeded by an immediate attack of rheumatism ; still he remained with his company till the battle of Pea river, near a month afterwards, in which he engaged though not then recovered ; in this last engagement the men were forced to swim several lagoons, and this new exposure renewed the attack of rheumatism, which soon resulted in distorting and maiming Scott in every member of his body, so that now he is unable to use either hand, and having wasted all his means in attempting his cure, he is reduced to want ; he has a wife and family dependent on him for support ; this narrative is substantiated by such proof as your memorialists do not doubt any of the foregoing facts ; wherefore your memorialists pray the passage of a special act for the relief of said Scott, or for such amendment of the general pension laws as will embrace his case.

APPROVED, 9 February, 1850.

MEMORIAL

Of the senate and house of representatives of the state of Alabama to the Congress of the United States, for the sale of the Cedar reserve, in Clarke county.

The memorial of the senate and house of representatives of the state of Alabama to the congress of the United States respectfully sheweth, That many years ago several tracts of land lying in detached parcels on the waters of Cedar Creek, in Clarke county, Alabama, owned by the United States, were reserved from sale for the use of the navy of

the United States, known as the Cedar Reserve. That this reservation was made in consequence of the supposed fitness of the cedar timber then growing thereon in large quantities and of fine quality, for the purposes of naval architecture. That agents, or an agent was appointed, by the proper department of the United States government, to protect the timber thereon from pillage and destruction; that by reason of the neglect of the agents so appointed the whole of the timber on said reserved tracts of land, suitable for naval purposes, has been destroyed or removed, and in consequence thereof the agency for its protection has been discontinued. That the longer reservation of these lands would be without advantage to the United States, and is of serious injury to the inhabitants of Clarke county, by preventing the construction of roads and bridges and delaying the settlement of that portion of the county, to the injury of the residents and holders of adjacent lands. Your memorialists therefore pray that the said lands may be exposed for sale as other public lands, reserving to actual settlers a pre-emption right as to one quarter section of 160 acres each, and your memorialists will ever pray, &c.

APPROVED, 31 January, 1850.

A JOINT MEMORIAL

Of the General Assembly of the State of Alabama to the Congress of the United States.

The joint memorial of the general assembly of the State of Alabama respectfully represents that an astronomical observatory has been erected in connection with the University of Alabama and furnished with instruments of observation of a superior order. The building, which is fifty-four feet in length by twenty-two in breadth, in the centre has its central apartment surmounted by a revolving dome, under which is placed an equatorial telescope constructed by Simms, of London; and mounted after the manner of the celebrated Dorpat instrument. A transit circle, accompanied by a clock with mercurial compensation, by Molyneux, of London, has also been provided. All the instruments necessary to impart instruction in the operations of practical astronomy are in the possession of that department of the University. Your memorialists, desiring to extend the usefulness of said observatory and to promote the general advancement of an important and interesting branch of science, would most respectfully ask the Congress of the United States to pass an act requiring to be stationed at the observatory of the University of Alabama two lieutenants or midshipmen of the navy of the United States of suitable qualifications, whose duty it shall be to devote their attention to the prosecution

of astronomical calculations and observations. The residence of such officers at the University, while it would furnish them an opportunity of becoming more extensively and thoroughly educated and trained for the future service of the government in that department; would also enable them to render very important assistance in the prosecution of the gulf survey, with which they would have a very close and intimate relation: Therefore

Be it resolv'd by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the governor be instructed to transmit a copy of the foregoing memorial to each of our senators and representatives in Congress; and that they be requested to use their exertions to secure its object.

APPROVED, 5 February, 1850.

JOINT MEMORIAL

To the Congress of the United States, praying for grants of land to aid in the construction of railroads and plank roads.

The joint memorial of the Senate and House of Representatives of the State of Alabama in General Assembly convened to the Senate and House of Representatives of the United States in Congress assembled, respectfully shows, that the State of Alabama, although it should, from its position and natural resources, be in the condition of one of the most prosperous states of this confederacy, is nevertheless found to be far behind her sister states as regards internal improvement: indeed she is notoriously deficient in all means of communication other than those which nature has given her. Your memorialists consider that the principal cause of this state of things is the anomaly that although Alabama is a sovereign state, still another sovereignty owns the great mass of the lands which compose her territory; these lands pay no taxes, contribute nothing towards the government and support of the state, and the state has no control whatever over them. In this condition of affairs which operates so far as to population, from these lands such as is required to make even ordinary roads, the state finds itself wholly unable to make improvements such as the wants of the state so manifestly require. The same reason prevents her citizens from executing successfully even the feeble power of individual enterprise to create the necessary means of intercourse. Your memorialists would beg leave further to show, that the State of Alabama contains 32,462,080 acres of land; that of these lands 10,852,233 acres have been sold by the United States, for which the sum of \$16,888,047 has been paid into the treasury of the United States. After a period of thirty years now elapsed since the admission of Alabama into the union, and after these lands have been so long offered for sale, at this late day there still remains unsold the enor-

mous quantity of 17,450,560 acres of public lands, for which a fixed price is required greater than the value of the lands, as is fully proven by the fact that they have been so long offered at the price demanded and not sold; that the State of Alabama has paid already a sum equal to more than fifty cents per acre for all the lands contained within her borders, and under present arrangements she would be required still to pay 21,813,200 dollars more to the government of the United States before she can stand on the same footing as her sister and adjoining states Georgia and Tennessee, and have full legislative control and power of taxation over her lands. The effect of this territorial difficulty is blasting the prosperity of the state, far worse in its consequences than if these lands belonged to a great individual land speculator, and must continue to prove, as it has heretofore done, a peremptory bar to the completion of all great enterprises for improving the state and developing its resources. Its great natural advantages thus lie useless. The state has witnessed the untiring efforts of its citizens to relieve themselves from the evils of want of communication so heavily pressing upon them, and which evils most of the other states do not suffer: yet she is unable to assist them and can devise no other means for their aid than to memorialize the Congress of the United States to grant that assistance which the state cannot give. Your memorialists further show, that the bay of Mobile is destined, in their opinion, to become, from its position and the facilities it affords, a great central point on the southern coast for naval and commercial purposes; that it can be supplied with inexhaustible quantities of coal of superior quality, which must give it the control of the navigation of the gulf of Mexico, a sea destined soon to be covered with commercial and naval steamers. It has become obvious to all that the greatest necessity exists to provide railroad communications from the states of Georgia, Mississippi, Tennessee and other states, through Alabama, to terminate at the bay of Mobile, and consequently charters have been applied for and granted by the legislature of this state to companies to construct such railroads, and charters are also under consideration for roads to aid in connecting the Mississippi river and the Atlantic ocean. One company has been chartered under the name of the Girard railroad company, to construct a railroad from Girard, on the Chattahoochee river, to the bay of Mobile, so as to extend the Georgia railroad in the direction of New Orleans. Another has been chartered for a railroad from Eufaula, on the same river, to the Mobile bay, under the name of the Eufaula and Mobile railroad company. It is contemplated that these two roads will unite so as to build a road from that bay, with a branch to each of the points on the Chattahoochee river above named. Another great work has been projected under charters granted by the states of Alabama, Mississippi, Tennessee and Kentucky, which is the erection of a railroad from Mobile to the mouth of the Ohio river, in favor of which a memorial was passed at the last session of this general assembly, and which work is in active

progress; these charters have been granted because it was believed these roads would be of great importance to the country to connect the trade of other states with our own. Two companies have been chartered for the construction of railroads to connect the Alabama and Tennessee rivers; one under the name of the Alabama and Tennessee railroad company, and the other under the name of the Coosa and Tennessee railroad company. The charter for the road to connect Memphis with Charleston and Savannah by a road passing through the Tennessee valley will probably be granted at the present session, and a strong effort will no doubt be made to complete this link through this state. Another company has been incorporated to construct a railroad from Cahawba to Uniontown, being a part of the proposed route from West Point to Jackson, by the name of the Alabama and Mississippi river railroad company; and also another by the name of the Coosa and Tallapoosa railroad company. Your memorialists thus show that the state authorities and the people of the state have used all the means in their power, and they are still exerting their utmost, to create the necessary means of access so important, not only to the state, but to the union at large. But it so happens that each of these roads must necessarily pass through vast bodies of public lands of the United States without population or even roads through them. These extensive bodies of lands have generally been exposed to sale for about thirty years; without the necessary improvements, they are of no value and are unsaleable; the contemplated improvements will give value to them which they cannot otherwise acquire to produce the result; the people must make and they have made great sacrifices; they have in some cases gone so far as to impose special taxes on their property to aid in the work, because they know the value of it will be greatly increased thereby; the same increase of value will necessarily attach to the public lands; and yet these lands, so much to be benefited, contribute nothing to aid in producing this increase; that this result would be impolitic and unjust, all will admit. Your memorialists further show, that a system of plank road improvements is proposed as a further means of developing the resources of the state, and probably many works of that kind will be shortly put in execution, and all the reasons which apply to railroads apply equally to them. Under all these circumstances, your memorialists cannot doubt but that it will be considered by Congress its duty, as well as its inclination, to make liberal appropriations of these otherwise valueless public lands to promote and secure the completion of these improvements so judiciously projected and in contemplation and so indispensably necessary for the commerce of the country and defence of the frontier. Your memorialists therefore pray that acts of conveyance be passed appropriating alternate half sections of the public lands, to such extent as may be deemed proper, on the lines of said railroads and plank roads, or wherever it may be found convenient; and that the same be granted for the benefit of said works, respectively, on such terms and conditions as may seem

wise, with the full assurance that such a measure would be of good policy and tend to the manifest benefit, not only of the people of Alabama, but of the whole country, and that a rich reward will be obtained in the advanced prosperity of the country and the increase of its commerce, its resources, and its revenues. And as in duty bound your memorialists will ever pray.

APPROVED, 13 February, 1850.

SECRETARY OF STATE'S OFFICE,

MONTGOMERY, ALABAMA, 18 April, 1850.

I have compared the foregoing Laws, Joint Resolutions and Memorials, with the original rolls deposited in this office, and certify that they are correct copies.

W. GARRETT,
Secretary of State.

TABLE

OF THE RATES OF INTEREST IN THE STATES OF THE UNION,

Compiled in pursuance of an act entitled "An act to regulate the mode of proving in courts of justice the rates of interest in the States of this Union," approved February 18, 1848.

Maine 6 per cent.	New Hampshire 6 per cent.
Rhode Island 6 " "	Connecticut 6 " "
Massachusetts 6 " "	Vermont 6 " "
New York 7 " "	New Jersey 6 " "
Pennsylvania 6 " "	Delaware 6 " "
Maryland 6 " "	Virginia 6 " "
North Carolina 6 " "	South Carolina 7 " "
Tennessee 6 " "	Kentucky, ... 6 " "
Ohio 6 " "	Indiana 6 " "
Illinois 6 " "	Georgia, ... 8 " "
Alabama 8 " "	Missouri 6 " "
Arkansas, ... 6 " "	Michigan 6 " "
Iowa not known.	Florida 8 " "
Texas not known.	Wisconsin not known.

Mississippi—Legal rate 6 per cent.; on lent money, 8 per cent.

Louisiana—Legal interest, 5 per cent.; bank interest 6 per cent.;

Conventional interest not to exceed 10 per cent.

SECRETARY OF STATE'S OFFICE, }
MONTGOMERY, ALABAMA, April 18, 1850. }

Compiled and certified to be correct.

W. GARRETT,
Secretary of State.

REUBEN CHAPMAN,
Governor until the 17 December, 1849.

HENRY W. COLLIER,
Governor, installed 17 December, 1849.

L. P. WALKER,
Speaker of the House of Representatives.

D. DENT,
President of the Senate.



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